



STATE OF WEST VIRGINIA
OFFICE OF THE SECRETARY OF STATE
CHARLESTON 25305

A. JAMES MANCHIN
SECRETARY OF STATE

STATE REGISTER FILING

I, Virginia L. Roberts, Commissioner,
Title or Position

Department of Motor Vehicles, hereby submit to record in
Department or Division

the State Register on 8 1/2 x 11" paper two (2) copies of

- proposed rules and regulations concerning topics of material not covered by existing rules and regulations;
- proposed rules and regulations superseding rules and regulations already on file;
- notice of hearing;
- findings and determinations;
- rules and regulations; or
- other - specify (LEGISLATIVE () PROCEDURAL () INTERPRETIVE () RUL

This filing pertains to

Chapter 17A
Article 2
Series XV
Section 1 through 9
Page No. 1 through 7

FILED IN THE OFFICE OF
A. JAMES MANCHIN
SECRETARY OF STATE
THIS DATE Oct. 24, 1983
Administrative Law Division

- proposed rules and regulations are required to go to Legislative Rule Making Committee;
- proposed rules and regulations are excluded from Legislative Rule Making Committee;

October 24, 1983
Date Submitted

Virginia L. Roberts
Signature of Person Authorizing
this Filing



DEPARTMENT OF MOTOR VEHICLES
STATE OFFICE BUILDING
CHARLESTON, W. VA.
25317

October 24, 1983

Honorable A. James Manchin
Secretary of State
State Capitol Building
Charleston, West Virginia

FILED IN THE OFFICE OF
A. JAMES MANCHIN
SECRETARY OF STATE
THIS DATE 10/24/83
Administrative Law Division

Dear Mr. Manchin:

Attached are two copies of proposed legislative rules which are being filed pursuant to §29A-3-5. The proposed rules are designated; Series XV, "Safety and Treatment Program." Also attached is a fiscal note being filed pursuant to §29A-3-4.

Be advised that this letter, pursuant to §29A-3-5 constitutes notice that the Department of Motor Vehicles is proposing to promulgate the above mentioned rules.

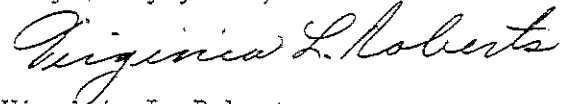
Be also advised that this letter, pursuant to §29A-3-7 constitutes notice that the Department of Motor Vehicles is seeking public comment on the merits of these proposed rules.

Persons wishing to comment on the merits of these rules are asked to prepare written statements to be received by this Department no later than November 29, 1983. A public hearing, where written statements will also be received, will be held at 10:00 a.m., November 29, 1983 in Room 522, Building 3, State Capitol Complex, Charleston, West Virginia.

Requests for copies of the proposed rules as well as written comments for inclusion in the record should be directed to Steven O. Dale, Room 124, Department of Motor Vehicles, 1800 Washington Street East, Charleston, West Virginia 25317.

I certify that the attached constitutes the legislative rules being proposed for promulgation and filed by the Department of Motor Vehicles pursuant to Chapter 29A of the Code of West Virginia on October 24, 1983.

Very truly yours,

A handwritten signature in cursive script that reads "Virginia L. Roberts".

Virginia L. Roberts
Commissioner

VLR:SD/nls

FISCAL NOTE FOR PROPOSED RULES

Rule No. Series XV Subject Safety and Treatment Program
 Type of Rule: Legislative Interpretive Procedural
 Agency Department of Motor Vehicles Address 1800 Washington Street East
Charleston, West Virginia 25317
 Authorized Representative Virginia L. Roberts Phone 348-2723

1. Effect of Proposed Rule	ANNUAL		FISCAL YEAR		
	Increase	Decrease	Current	Next	Thereafter
Estimated Total Cost	\$	\$	\$	\$	\$
Personal Services					
Current Expense					
Repairs and Alterations	N O T A P P L I C A B L E				
Equipment					
Others					

2. Explanation of above estimates;

The Safety and Treatment program is provided by Community Behavioral Health Centers who are under contract with the Department of Motor Vehicles. The Department deposits the basic \$125.00 fee into a special account. Of that \$125.00, \$106.00 is returned to the Center, \$2.00 remitted to the Health Department, while Motor Vehicles retains \$17.00. Approximately \$319,000.00 was processed through the account in Fiscal 1983.

3. Date October 24, 1983 Agency Department of Motor Vehicles

Signature of Agency Head

Signature of Authorized Representative

Virginia L. Roberts
 Commissioner

STATEMENT OF ECONOMIC IMPACT OF PROPOSED RULES OR REGULATIONS

Agency Department of Motor Vehicles

Rule No. Series XV

Subject Safety and Treatment Program

I. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government.

These rules would have little impact on State Government.

B. Economic Impact on Political Subdivisions; Specific Industries; Specific Groups of citizens.

Community Behavioral Health Centers charge program participants for services provided.

C. Economic Impact on Citizens/Public at Large.

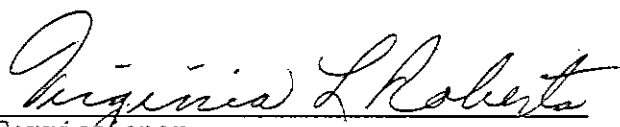
There would be very little impact on the public at large as the cost of the program of treatment is paid for by the participants.

Date October 24, 1983

Agency Department of Motor Vehicles

Signature of Agency Head

Signature of Authorized Representative



Commissioner

(PROPOSED)
SAFETY AND TREATMENT PROGRAM

Chapter 17A-2
Series XV
1983

INDEX

	Page
Section 1. General	1
Section 2. Application and Enforcement	1
Section 3. Definitions	1
Section 4. Program Responsibilities	2
Section 5. Program Levels of Referral	3
Section 6. Staff Qualifications	5
Section 7. Program Participant Evaluation	6
Section 8. Fiscal Procedures	6
Section 9. Reinstatement of License	7

(PROPOSED)
WEST VIRGINIA LEGISLATIVE RULES
DEPARTMENT OF MOTOR VEHICLES

Chapter 17A-2
Series XV
1983

Subject: Safety and Treatment Program

Section 1. General

1.01. Scope - These legislative rules establish a comprehensive safety and treatment program for persons found in initial and subsequent violation of Chapter 17C, Articles 5 and 5A of the Code.

1.02. Authority - These legislative rules are issued under the authority of §17A-2-9 and §17C-5A-3.

1.03. Filing Date - These legislative rules were promulgated and filed on _____ in the office of the Secretary of State.

1.04. Effective Date - These legislative rules become effective on _____

Section 2. Application and Enforcement

2.01. Application - These legislative rules apply to persons involved in the Safety and Treatment Program administered by the Department of Motor Vehicles pursuant to §17C-5A-3.

2.02. Enforcement - Enforcement of these legislative rules is vested with the Commissioner of Motor Vehicles or lawful designee.

Section 3. Definitions. - The following definitions shall apply in the interpretation and enforcement of these legislative rules.

3.01. Centers - Means the Community Behavioral Health Centers and Guilds regulated by the Department of Health and contracted by the Department of Motor Vehicles as the provider agency for services relating to the Safety and Treatment Program.

- 3.02. Code - Means the Code of West Virginia of 1931, as amended.
- 3.03. Commissioner - Means the executive officer of the Department of Motor Vehicles appointed by the Governor pursuant to §17A-2-2, or lawful designee.
- 3.04. Department - Means the Department of Motor Vehicles.
- 3.05. License - Means any permit issued by the Commissioner for the purpose of operating a motor vehicle in this state.
- 3.06. Participants - Means persons enrolled in the Safety and Treatment Program.
- 3.07. Program - Means the Safety and Treatment Program established pursuant to §17C-5A-3.
- 3.08. Sliding Fee Scale - Means the scale of fees charged by the Centers for services rendered over and above the basic Level I Program, which insures that no person will be denied such services because of an inability to pay.

Section 4. Program Responsibilities

- 4.01. Department of Motor Vehicles - Is responsible for establishing a comprehensive safety and treatment program for persons found in violation of Chapter 17C, Articles 5 and 5A of the Code. The Department fulfills this responsibility by developing a Program in cooperation with the Department of Health and contracting with the Community Behavioral Health Centers to conduct the Program. The Department is also responsible for insuring that services rendered through the Program are delivered by competent and qualified professionals.
- 4.02. Department of Health - Serves in an advisory capacity to both the Department and the Centers regarding policy resolutions and modifications pertaining to the operation of the Program. The Department of Health also monitors compliance with established policies and procedures by the Centers conducting the Program.

4.03. Community Behavioral Health Centers and Guilds - Offer and operate the Program under contract with the Department in consultation with the Department of Health.

Section 5. Program Levels of Referral

5.01. Initial Notification - When notified of the Commissioner's order of license revocation, persons are advised of the procedures for participation in the Program and the conditions to be met before license reinstatement.

5.02. Initial Assessment - The first phase of the Program consists of an enrollment session and a period of assessment for determining which Program levels are appropriate for each Participant to complete.

The assessment shall utilize:

- (A) Objective information such as the Participant's blood alcohol content; various assessment tests such as the Michigan Alcoholism Screening Test (MAST), the Numerical Drinking Profile (NDP) and McAndrews Scale of the Minnesota Multiphasic Personality Inventory; and prior driving under the influence, public intoxication, and other drug related arrests.
- (B) Subjective information based on the Participant's problems involving family, employment, education/training, financial, medical, recreational, emotional, legal, and alcohol and other drug abuse problems.
- (C) Information on the Participant's interpersonal relationships, and his own observation of his present status; the evaluator's observations of the participant, and any other significant information that is available.

5.03. Level I, Prevention/Education Component - Participants who through the assessment phase are evaluated as not having a significant problem with the use of alcohol and other drugs are referred to Level I. This phase is informational and educational in nature and is intended to create an awareness of the misuse of

alcohol and other drugs, particularly as the use relates to operating a motor vehicle. The Level I component shall consist of the following:

- (A) Defensive Driving Instruction - eight hours.
- (B) Alcohol and Other Drug Abuse Education - ten hours, of which at least one hour shall be an orientation to Alcoholics Anonymous provided by a member of Alcoholics Anonymous.
- (C) One individual counseling session after the classroom instruction. This session shall be used to evaluate the Participant's need for further services. If it is determined in this counseling session that the participant has not benefited significantly or has demonstrated a lack of involvement, additional prevention/education activities may be required to fulfill the completion criteria for Level I.

5.04. Level II, Intervention/Treatment Component - Participants who are considered as having a potential, probable or early problem with the abuse of alcohol or other drugs are referred to Level II. This component shall consist of individual or group outpatient counseling, and completion of the Level I, Prevention/Education component. Verified attendance at meetings of Alcoholics Anonymous may be required.

5.05. Level III, Intensive Care Component - Participants who are assessed as having an active alcohol or other drug abuse problem are referred to Level III. Participants at this level shall participate in an intensive treatment program which will have total abstinence as the goal. The intensive treatment component shall consist of residential treatment, partial hospitalization designed specifically for substance abuse treatment, intensive individual or group

counseling at least once per week, required and verified attendance at meetings of Alcoholics Anonymous and/or other modes of treatment of an intensive nature.

Completion of Level I and Level II is also required.

Section 6. Staff Qualifications

6.01. Center Responsibilities - Each Center shall be responsible for insuring that the services provided through the Program are delivered by competent and qualified professionals in the field of substance abuse. Each Center shall provide the Department with the names, training and function performed of all persons providing services for the Program.

6.02. Assessment, Evaluation and Treatment - Persons providing services for the Assessment, Evaluation, and Treatment aspects of the Program shall have at least one year work experience in the field of substance abuse treatment, or have attained the necessary skills through training, education, experience, and supervision.

6.03. Prevention/Education - Persons providing services for the Prevention/Education component of the program shall have at least one year of work experience in the field of substance abuse prevention/education and/or treatment or have attained the necessary skills through training, education, experience, and supervision.

6.04. Defensive Driving - Persons providing services for the course of defensive driving shall be qualified instructors.

6.05. Program Coordinator - Each Center shall designate a D.U.I. Program Coordinator whose function is to supervise the performance of the terms of the contract between the Center and the Department. The Program Coordinator shall also work with both the Departments of Health and Motor Vehicles for the purposes of program development and procedural refinement.

Section 7. Program Participant Evaluation

7.01. Referral Evaluation Report - Based on the information gathered during the initial assessment as described in 5.02 of these legislative rules, a referral evaluation report is made by the Center on each participant on the form prescribed by the Department. The Center shall forward each report to the Department.

7.02. Change in Status - The Centers have the authority to change a Participant's Program level status following the initial assessment. When a Center changes a Participant's status, it shall notify the Department by submitting a revised Referral Evaluation Report.

7.03. Status Evaluation Report - The Center shall submit a Status Evaluation Report on each participant to the Department, on the prescribed form, upon completion of the program.

7.04. Overall Responsibility - By virtue of its legislative mandate relative to the Safety and Treatment Program, overall responsibility for the level and quantity of treatment provided by the Center for any Participant rests with the Commissioner.

7.05. Appeal Of Referral - Each Center shall establish procedures for resolving participant questions concerning referral level and status evaluation.

Section 8. Fiscal Procedures

8.01. Program Enrollment Fee - The fee for enrollment in the Program is established by the Commissioner in cooperation with the Department of Health. This fee covers the provision of the Level I Prevention/Education treatment component as described in 5.03 of these legislative rules. The fees shall be paid by the Participant upon enrollment at the Center. Payment shall be in the form of a postal money order, bank money order, or certified check made payable to the Driver's Rehabilitation Fund.

8.02. Additional Services - The cost for all counseling and treatment services provided in addition to the Level I component as described in 5.03 of these legislative rules is the responsibility of the Participant. Each Center shall charge for such additional services in accordance with its prevailing fee schedule for comparable services. A sliding fee scale shall be utilized if it is determined that the Participant cannot afford the full fee for additional services.

8.03. Driver's Rehabilitation Fund - The enrollment fee collected from each Program Participant by the Center shall be forwarded to the Department for deposit in the Driver's Rehabilitation Fund. The Center shall be reimbursed as stipulated in the contracts for each Participant the Center has enrolled. The Health Department shall be reimbursed as stipulated in the contracts for each Participant enrolled in consideration for consulting services performed.

Section 9. Reinstatement of License

9.01. Completion of Program - Successful completion of the Program is contingent on completion of the prescribed level or levels of treatment, a favorable Status Evaluation Report, and payment, as requested by the Center, of all applicable costs for program participation.

9.02. Payment of Reinstatement Fees - All financial obligation to the Department must be satisfied before the reinstatement of a Program Participant's license will be considered.

9.03. Final Decision - Subject to the provisions of §17C-5A-3(b)(2), the final decision on license reinstatement is vested with the Commissioner.