

Readopt with amendment He-A 700, effective 5-20-06 (Document #8624), to read as follows:

CHAPTER He-A 700 IMPAIRED DRIVER INTERVENTION PROGRAMS

Statutory Authority: RSA 172-B:2-a

PART He-A 701 PURPOSE

He-A 701.01 Purpose. The purpose of these rules is to establish the requirements of impaired driver intervention programs (IDIP) and weekend impaired driver intervention programs (WIDIP) statewide.

PART He-A 702 DEFINITIONS

He-A 702.01 Definitions. For purposes of this chapter, the following words shall have the meanings indicated:

(a) “Administrative activities” means all management, fiscal, and clerical activities performed by a staff member of an IDIP or WIDIP;

(b) “Administrative fee” means a fee paid by the client for failure to start a program on time, for a program transfer, or to re-start a program;

(c) “Aftercare” means any treatment required to be completed by the client who has been issued a positive finding as a result of the client’s exit evaluation and assessment interview;

(d) “Alcohol program completion hearing” means a hearing conducted by the department of safety and which is requested by the client for the purpose of rebutting the finding and/or the further counseling requirements as determined by the client’s exit evaluation and assessment interview;

(e) “Approval” means the process whereby specific providers are designated to serve specific catchment areas for the provision of IDIP and WIDIP services;

(f) “Approval period” means the period of time specific providers are designated to serve specific catchment areas for the provision of IDIP and WIDIP services;

(g) “Catchment area” means an area of the state specified by the commissioner, pursuant to He-A 706.03, for the provision of IDIP or WIDIP services to clients by an approved provider;

(h) “Certification” means a process whereby the department determines whether an applicant meets the minimum qualifications for an IDIP or WIDIP instructor as specified in these rules;

(i) “Client” means a person convicted of driving while impaired (DWI) and thus mandated to attend and successfully complete an IDIP or WIDIP;

(j) “Client profile” means a form created by the department that is completed by the provider, contains information about each client, and is submitted to the department for the purposes of data collection;

(k) “Co-facilitator” means a person who assists a certified instructor in conducting an IDIP or WIDIP class and who is a certified instructor or who is currently working towards becoming a certified instructor;

(l) “Commissioner” means the commissioner of the department, or his or her designee;

(m) “Completion report” means a form developed by the department which contains information about the client’s completion status after participating in an IDIP or WIDIP, or a similar form approved by another state for the purpose of reporting a client’s completion status after participating in a state-approved alcohol and drug education and intervention program;

(n) “Course” means an intake interview, all educational classes, and the exit evaluation and assessment interview pertaining to an IDIP or WIDIP;

(o) “Department” means the New Hampshire department of health and human services (DHHS);

(p) “Department representative” means the individual designated by the department to conduct on-site visits to IDIPs and WIDIPs and to complete monitoring reports based on those visits;

(q) “Direct client activities” means activities performed by an IDIP or WIDIP staff member, which directly involve the educational and group processes in relation to the client, including instructional, intake, evaluative, and assessment components;

(r) “Diagnostic instruments” means written evaluation tools designed to elicit responses from clients relative to their involvement with alcohol and other drugs. Examples of approved diagnostic instruments currently in use are the Research Institute on Addictions Self-Inventory (RIASI) and the Driver Risk Inventory (DRI);

(s) “Driver Risk Inventory (DRI-II)” means the first edition, published in 1997, of the driving while impaired risk and needs assessment instrument created by Behavior Data Systems, Ltd., which evaluates alcohol and other drug abuse, identifies driver aggressiveness, and measures stress coping abilities;

(t) “Driving while impaired (DWI)” means driving under the influence of alcohol or drugs, pursuant to RSA 265:82 and 82-a;

(u) “Exit evaluation and assessment interview” means a one-hour interview between a client and a New Hampshire licensed alcohol and drug abuse counselor (LADC), conducted following the client’s completion of all IDIP or WIDIP class sessions;

(v) “Further counseling requirements” means participation in alcohol and drug intervention activities such as self-help, outpatient counseling, residential treatment, or other similar activities deemed necessary by a New Hampshire LADC as the result of a positive finding for substance abuse or dependency;

(w) “Impaired driver intervention program (IDIP)” means a program that persons convicted under RSA 265:82 or 82-a are required to attend in order to regain their driver’s licenses or driving privileges and that is conducted pursuant to RSA 172-B:2-a, RSA 263:65-a, and He-A 700;

(x) “Instructor” means an individual who has been certified by the department, pursuant to He-A 705, to conduct IDIP or WIDIP sessions;

(y) “Intake interview” means a one-hour interview between a client and a New Hampshire LADC, or an IDIP or WIDIP staff member under LADC supervision, conducted in order to

collect the client's personal information and complete diagnostic instruments prior to educational sessions;

(z) "International Certification & Reciprocity Consortium/Alcohol and Other Drug Abuse (IC&RC)" means an organization that sets the international standards of practice in addiction counseling, prevention, and clinical supervision through testing and credentialing of addiction professionals;

(aa) "Licensed alcohol and other drug counselor (LADC)" means a person licensed by the State of New Hampshire to serve as an alcohol and other drug counselor;

(ab) "Monitoring report" means a report generated by a department representative to record results of on-site visits made to providers for the purposes of quality assurance;

(ac) "Negative finding" means the result of an exit evaluation and assessment interview, which determines that a client does not have an alcohol or drug problem;

(ad) "Positive finding" means the result of an exit evaluation and assessment interview, which determines that a client does have an alcohol or drug problem;

(ae) "Program" means the course, as defined in (n), and any required aftercare;

(af) "Program director" means the director of an IDIP or WIDIP;

(ag) "Program fee" means the fee paid by a client to the IDIP or WIDIP in order to participate in the IDIP or WIDIP;

(ah) "Provider" means a person or entity that offers impaired driver intervention and educational programming;

(ai) "Quarter" means a 3-month portion of a year, beginning on January 1, April 1, July 1, or October 1;

(aj) "Request for proposals (RFP)" means a formalized process, pursuant to He-A 706, whereby the commissioner seeks proposals for the provision of IDIP or WIDIP services to specific catchment areas from provider applicants;

(ak) "Research Institute on Addictions Self-Inventory (RIASI)" means the 1995 edition of the diagnostic instrument created by Thomas J. Nochajski of the State University of New York that is specifically designed for DWI offenders;

(al) "Section" means a grouping of clients forming an instructional unit;

(am) "Session" means a single component of an IDIP's or WIDIP's curriculum;

(an) "Significant other" means an individual who is not related by marriage or blood to the client, but who plays a role in the client's life that is similar to the role of a spouse;

(ao) "Successful completion" means "successful completion" as defined in RSA 263:65-a, II and III and RSA 265:82-b, IV(c);

(ap) "Treatment" means the use of any planned, intentional intervention in the health, behavior, personal, and/or family life of an individual suffering from alcoholism or from another

drug dependency designed to enable the affected individual to achieve and maintain sobriety, physical and mental health, and a maximum functional ability; and

(aq) “Weekend impaired driver intervention program (WIDIP)” means an intensified residential version of an IDIP, conducted pursuant to RSA 172-B:2-a, RSA 263:65-a, and He-A 700.

PART He-A 703 SCHEDULE OF FEES AND CHARGES

He-A 703.01 IDIP Fee.

(a) The program fee to be paid by each client for the IDIP, including all course materials, shall be \$460.00.

(b) The client shall make complete payment of the program fee to the IDIP on or before the date of the last session, unless a payment plan agreed to by the client and program director has been arranged.

(c) The program fee shall be reduced based on proof of financial hardship if the client’s household income for the 12-month period immediately prior to the client’s enrollment in the program was at or below the federal poverty guidelines as published annually in the Federal Register by the Secretary of the U.S. Department of Health and Human Services.

(d) Prior to the intake interview a client shall furnish any of the following documents, as applicable, to demonstrate proof of financial hardship in accordance with (c) above:

- (1) The client’s most recent IRS tax return;
- (2) The client’s pay stubs for the 4 months prior to program enrollment, if applicable; or
- (3) Proof of the client’s receipt of one or more of the following sources of assistance:
 - a. Food stamps;
 - b. Temporary assistance to needy families;
 - c. Social Security disability;
 - d. Supplemental security income;
 - e. Aid to the permanently and totally disabled; or
 - f. Old age assistance.

(e) The client’s reduced fee shall be determined as follows:

- (1) The client’s income shall be divided by the poverty guideline that applies to the client’s family unit size;
- (2) The resulting percentage shall be the portion of the fee for which the client is responsible, if such fee does not exceed half of the program’s current fee; and

(3) If the new fee exceeds half of the program's current fee, the fee paid by the client shall be half of the program's current fee.

(f) Failure to provide documentation pursuant to (d) shall result in denial of any reduction.

(g) For each reduced-fee client, the per-client monitoring fee charged pursuant to He-A 703.05(c) shall be waived.

He-A 703.02 WIDIP Fee.

(a) The fee to be paid by each client for the WIDIP, including all course materials, shall be \$585.00.

(b) The client shall make complete payment of the program fee to the WIDIP on or before the date of admission, unless a payment plan agreed to by the client and program director has been arranged.

(c) A client's spouse or significant other shall be responsible for the costs of his or her own meals and lodging.

(d) The program fee shall be reduced based on proof of financial hardship in accordance with the procedures described in He-A 703.01(c)-(f).

(e) For each reduced-fee client, the per-client monitoring fee charged pursuant to He-A 703.05(c) shall be waived.

He-A 703.03 Administrative Fee for IDIPs and WIDIPs.

(a) Unless otherwise specified herein, if any He-A 700 rule mandates an administrative fee, as allowed by RSA 172-B:2-a, II(d), the administrative fee to be paid by the client for an IDIP shall be \$50.00.

(b) Unless otherwise specified herein, if any He-A 700 rule mandates an administrative fee, as allowed by RSA 172-B:2-a, II(d), the administrative fee to be paid by the client for a WIDIP shall be \$100.00.

He-A 703.04 Administrative Fee for Program Transfer. If, after paying the program fee and prior to the start of the first session, a client wishes to transfer to another program in another catchment area, he or she may do so, subject to the following conditions:

(a) The original provider shall retain an administrative fee pursuant to 703.03 (a) or (b) from the full program fee that was paid and shall return the remainder of the program fee to the client; and

(b) The client shall pay the provider to which he or she transfers the entire program fee.

He-A 703.05 Per-Client Monitoring Fee.

(a) The department shall determine the number of billable clients for each IDIP or WIDIP provider by tabulating the number of client profiles that are completed and submitted to the department and processed quarterly.

(b) The department shall send to each program director a quarterly bill, payable upon receipt, to cover the following expenses:

- (1) Monitoring of course content;
- (2) Establishing and maintaining standards of instruction;
- (3) Data collection; and
- (4) Administrative support.

(c) The per-client fee to be paid quarterly by each IDIP and WIDIP, as allowed by RSA 172-B:2-a, III (c), shall be \$25.00

(d) The per-client fee shall be waived for reduced-fee clients as described in He-A 703.01(g) and He-A 703.02(e).

(e) For each client on whose behalf the IDIP or WIDIP representative is required to attend an alcohol program completion hearing, the per-client fee shall be waived if the IDIP or WIDIP submits in writing to the department by the 10th day of the month a list of such clients for the previous month.

(f) If an IDIP or WIDIP fails to submit payment of the per-client fee within 30 days of the billing date, the department shall consider that provider delinquent and shall issue a written notice to inform the provider that it shall be removed from the list of approved providers if payment is not received by the department within 90 days.

(g) If payment of the per-client fee is not paid in full within 60 days of the billing date, the delinquent account shall be referred to the department's financial officer.

(h) If payment of the per-client fee is still not made in full after 90 days, the commissioner shall suspend the agreement with the provider, thus disallowing the provider from providing IDIP services, and assign the catchment area(s) to another provider until such time as full payment is made.

(i) If an IDIP or WIDIP is delinquent a second time during the same approval period, the commissioner shall cancel the agreement with the provider and assign the catchment area(s) to another provider for the period of time remaining prior to the next approval period.

He-A 703.06 Provider Audit. If providers want the department to review the appropriateness of the existing fee structure, those providers shall submit to the department audits of their records which are prepared by a public accounting firm within the current year.

He-A 703.07 Annual Report of Reduced Fees. By the last working day in January, each IDIP and WIDIP shall submit a report to the department that lists the number of clients in the preceding calendar year for whom the program fee was reduced due to financial hardship.

PART He-A 704 PROGRAM PARTICIPATION REQUIREMENTS

He-A 704.01 New Hampshire Residents: Program Options.

(a) Upon conviction under RSA 215-A:11, RSA 215-C:11, RSA 265:82, RSA 265:82-a, or RSA 270:48-a, and pursuant to RSA 263:65-a and RSA 172-B:2-a, I, a person who is a resident of the state of New Hampshire shall attend one of the following programs if the person wishes to have his or her driver's license reinstated:

- (1) The IDIP closest to the client's place of residence;
- (2) The IDIP closest to the client's place of permanent employment; or
- (3) The WIDIP closest to the client's place of residence.

(b) If the chosen program is unable to enroll the client within 30 days of sentencing, the client may choose to attend any other IDIP or WIDIP in any catchment area of his or her choice.

He-A 704.02 Student Exceptions.

(a) If a resident of New Hampshire is domiciled in another state for at least 9 months out of a year for educational purposes, such person shall be considered a non-resident for the purposes of these rules.

(b) Students who are residents of states outside of New Hampshire, but who are domiciled in New Hampshire for educational purposes, shall be non-residents for the purposes of these rules.

He-A 704.03 Non-Residents.

(a) Upon conviction under RSA 215-A:11, RSA 215-C:11, RSA 265:82, RSA 265:82-a, or RSA 270:48-a, and pursuant to RSA 263:65-a and RSA 172-B:2-a, I, a person who is a non-resident of New Hampshire shall attend one of the following programs if the person wishes to have his or her driving privilege restored:

- (1) Any IDIP in New Hampshire;
- (2) Any WIDIP in New Hampshire; or
- (3) An impaired driver intervention program in the state in which the client is domiciled, and which satisfies that state's requirements for license re-instatement subsequent to an alcohol or drug driving while impaired conviction.

(b) If a non-resident chooses to attend a program in the state in which he or she is domiciled to satisfy the requirement for driving-privilege restoration pursuant to RSA 263:65-a, the client shall forward, or request the provider to forward, all necessary completion reports for such a program to the New Hampshire court of conviction and to the New Hampshire department of safety.

He-A 704.04 Enrollment.

(a) Each client shall provide the IDIP or WIDIP in which he or she enrolls with the information necessary for correct program choice, including:

- (1) An original certified copy of the client's driver's license record, to be obtained within 60 days immediately prior to the intake interview, from all of the following, as applicable:
 - a. The State of New Hampshire department of safety, division of motor vehicles;
 - b. The state in which the client holds a driver's license, if a non-resident; and

c. Any state in which the person has been arrested or convicted for an offense involving driving a motor vehicle under the influence of alcohol or drugs;

(2) The department of safety notice of action indicating the appropriate program;

(3) Superior or district court orders;

(4) Chemical test results, if any were performed, or documentation of the client's refusal to submit to chemical tests; and

(5) Other relevant documents.

(b) The documents listed in (a) shall be submitted by the client to the IDIP or WIDIP at the intake interview.

(c) If a client reports for the intake interview with information that indicates that he or she requires a different program, the provider shall:

(1) Direct the client to the appropriate program; and

(2) Charge an administrative fee.

(d) If a client reports for the intake interview with information that is inaccurate or incomplete, neither the client nor the department shall hold the provider responsible for enrolling the client in the wrong program.

He-A 704.05 Attendance and Completion Requirements.

(a) Pursuant to RSA 263:65-a, V.(a), a client shall be presumed to have successfully completed an IDIP or WIDIP if he or she has met the following requirements:

(1) Attendance at all class sessions, with active participation in discussions and assessments, and completion of exercises, tests, and all required forms;

(2) Completion of the scheduled exit evaluation and assessment interview; and

(3) Payment in full of all assessed program and administrative fees.

(b) The presumption in (a) shall be overcome by the provider if the LADC conducting the exit evaluation and assessment interview issues a positive finding for alcohol or other drug abuse and/or dependence and requires the client to comply with further counseling requirements before the program is considered to have been successfully completed.

(c) If a client fails to keep a scheduled appointment for the intake interview or exit evaluation and assessment interview, or if the client leaves during the intake interview or the exit evaluation and assessment interview and subsequently returns, the provider shall charge the client an administrative fee.

(d) An excused absence from the program shall be granted only for an emergency situation beyond the control of the client, consisting of one of the following:

(1) A death in the client's immediate family;

(2) A medical emergency pertaining to the client, which prevents attendance; or

(3) A medical emergency in the client's immediate family.

(e) If a client is granted an excused absence, the IDIP or WIDIP shall allow the client to participate in the next scheduled section of the program, beginning with the session where he or she left off, and the client shall not be required to pay an administrative fee.

(f) If a client is absent from a session without being excused, the client shall begin the program anew at the next scheduled first session, and the client shall pay to the provider an administrative fee.

(g) The client shall not be under the influence of alcohol, any illicit substance, or any non-prescribed or over-the-counter medication during program attendance. If the client is found to be impaired as a result of being under the influence of alcohol, any illicit substance, or any non-prescribed or over-the-counter medication during program attendance, the client shall begin the program anew and pay the provider an administrative fee.

(h) If, during the course of the IDIP or WIDIP, a client appears impaired as a result of taking prescribed medication, the provider shall request a written assessment from the prescribing physician regarding whether the client will be able to benefit from the program content while under the influence of such medication.

(i) If the physician's assessment in (h) indicates that the client is unable to participate in the program, the client shall not be allowed to continue the program until such time as he or she obtains medical clearance, at which point the client shall begin the program anew at a scheduled first session. The client shall be charged an administrative fee if the client changes programs or does not re-enter the original program once medical clearance has been obtained.

(j) If, after completion of the intake interview, a client fails to start the session for which he or she has enrolled, the client shall pay an administrative fee to the provider unless the failure to start the session is excusable as established in (d) above or is the result of the provider's error in scheduling.

(k) If the client is tardy for any reason, the provider shall require the client to begin the program anew and shall charge the client an administrative fee.

(l) If a client does not complete an exit evaluation and assessment interview within one year of the final class session, he or she shall be required to begin the program anew and again pay the entire program fee.

PART He-A 705 INSTRUCTOR CERTIFICATION

He-A 705.01 Certification Required. No person shall facilitate an IDIP or WIDIP session unless he or she is certified as an IDIP or WIDIP instructor in accordance with He-A 705.

He-A 705.02 Minimum Qualifications for Certification. To qualify for certification as an IDIP or WIDIP instructor, the applicant shall either:

(a) Meet the following requirements:

(1) Possess a valid New Hampshire LADC license; and

(2) Document 6 months experience in substance abuse and group counseling or otherwise formal group activities facilitation; or

(b) Meet the following alternative requirements:

- (1) Document a minimum of one year's experience in the field of education, social sciences training, or substance abuse and group counseling or otherwise formal group activities facilitation;
- (2) Demonstrate knowledge of the impaired driver intervention program and curricula and of other programs in New Hampshire that provide intervention and educational programming in the field of alcohol or drug abuse for a comparable clientele, or of equivalent DWI intervention programs in other states; and
- (3) Hold at least a high school diploma or GED.

He-A 705.03 Certification Procedure.

(a) Each applicant for instructor certification shall complete Form IDIP-521, instructor certification application, by including the following:

- (1) The applicant's name, address, and telephone number;
- (2) The IDIP or WIDIP with which the applicant is affiliated, if any;
- (3) The certification category, as described in He-A 705.02(a) and (b);
- (4) The dated signature of the applicant;
- (5) A copy of the applicant's:
 - a. High school diploma and/or transcript;
 - b. GED; or
 - c. Any advanced degree transcript;
- (6) A current résumé;
- (7) A letter from the director of other similar programs, as described in He-A 705.02(b)(2), documenting experience with and knowledge of those similar programs; and
- (8) Any documentation that may be counted toward the required experience, if applicable.

(b) Upon receipt of a completed application, the department shall review the documentation submitted.

(c) If the applicant meets the minimum qualifications listed in He-A 705.02, the department shall issue a certificate.

(d) If the applicant does not meet the minimum qualifications listed in He-A 705.02, the department shall deny the application.

(e) The department shall complete the certification procedure within 30 calendar days of the receipt of the application.

(f) Providers may adopt their own certification and recertification standards that exceed minimum certification and recertification requirements as described in He-A 705.02 and He-A 705.05.

He-A 705.04 Certification Period. A certificate for instructor certification shall be valid for 3 calendar years from the date of issuance, unless certification is revoked prior to the end of the 3-year period pursuant to He-A 705.06.

He-A 705.05 Recertification.

(a) For an instructor to be recertified, he or she shall have obtained during the current certification period at least 48 hours of in-service training or education specific to the substance abuse field.

(b) The department shall send each instructor a recertification application, Form IDIP-522, at least 3 months prior to the expiration date of his or her certification.

(c) No later than one month prior to the expiration of his or her certification, the applicant for recertification shall submit to the department a completed Form IDIP-522, instructor recertification application.

(d) The applicant shall complete Form IDIP-522 by including the following:

- (1) The applicant's name, address, and telephone number;
- (2) The IDIP or WIDIP with which the applicant is affiliated, if any;
- (3) The expiration date of the applicant's current certification;
- (4) A copy of the applicant's instructor certification;
- (5) The dated signature of the applicant; and
- (6) Either:
 - a. A copy of a valid LADC license; or
 - b. Evidence of training and education required in (a), including a transcript or a letter of attendance which includes the following:
 1. The course titles;
 2. The names of course leaders;
 3. The course locations;
 4. The sponsoring agencies;
 5. The dates of attendance; and
 6. The number of course hours related to substance abuse.

(e) The department shall review all courses for applicability to the field of substance abuse.

(f) If the instructor whose certification has expired does not apply for recertification, his or her certification shall be deemed to have lapsed, and he or she shall be prohibited from facilitating an IDIP or WIDIP session or acting as a co-facilitator.

(g) To become recertified after a lapse of certification, in addition to the education requirements contained in (a), the applicant for instructor certification shall:

(1) Submit completed Form IDIP-522, instructor recertification application to the department;

(2) Complete Form IDIP-523, instructor reinstatement application, by including the following:

a. The applicant's name, address and telephone number;

b. The expiration date of the applicant's current certification;

c. The number of additional continuing education unit (CEU) hours being submitted; and

d. The dated signature of the applicant;

(3) Submit Form IDIP-523, instructor reinstatement application, to the department;

(4) Have obtained 2 hours of training or education in the substance abuse field for every one-month period since expiration of his or her last valid certification period (this requirement shall not exceed 48 hours in total); and

(5) Provide a certificate or certificates showing that the required training or education has been completed, per (d)(6)b.

(h) A certified instructor shall notify the department of any change of address.

(i) A certified instructor may voluntarily terminate his or her certification by notifying the department in writing.

He-A 705.06 Revocation of Certification.

(a) The department shall revoke the certification of an instructor for any of the following reasons:

(1) Failure to act in accordance with He-A 700;

(2) Engaging in the practice of IDIP or WIDIP instruction in a manner that is harmful or dangerous to the client;

(3) Engaging in sexual relations, soliciting sexual relations, or committing an act of sexual abuse or misconduct with or against a client;

(4) Failing to remain free from the use of any controlled substance or any alcoholic beverage to the extent the use impairs the ability of the person to perform his or her duties as an instructor;

(5) Behavior or speech during IDIP or WIDIP instruction or instructor training that is offensive to class members due to its sexually explicit or sexually, racially, or ethnically derogatory nature;

(6) Where the instructor has been arrested for any DWI or any drug or alcohol related offense within the current certification period and there is probable cause to believe that the person committed the offense; or

(7) Failure to maintain client confidentiality in accordance with He-A 707.01.

(b) Revocation of certification shall occur pursuant to RSA 541-A:30, II and III.

(c) Within 10 days after issuance of any notice of the department's intent to revoke a certification, the aggrieved person may request an adjudicatory hearing before the department, to be conducted in accordance with RSA 541-A:30, II and III, and He-C 200.

PART He-A 706 PROGRAM APPROVAL

He-A 706.01 Approval for Delivery of Services.

(a) No provider, institution, organization, corporation, person, partnership, firm, or agency, whether public or private, shall offer, advertise, deliver, or provide services that are within the scope of He-A 700 without first submitting an application and obtaining approval from the commissioner.

(b) All applicants for the delivery of IDIP and WIDIP services for specific areas of the state shall obtain approval from the commissioner through a Request for Proposals (RFP) process.

(c) The commissioner's approval of an individual provider shall be based upon the applicant's ability to offer programs in accordance with these rules, as evidenced by responses to the specific requirements of the RFP.

(d) An applicant's responses to the RFP requirements shall be evaluated in accordance with a standardized, uniform scoring system which is detailed in the RFP.

(e) A minimum acceptable score shall be established for all requirements.

(f) An applicant shall demonstrate, at a minimum:

(1) Appropriate staffing;

(2) Programmatic knowledge;

(3) Experience in providing programs at least comparable to an IDIP or WIDIP;

(4) Knowledge of the demographics and geography of the catchment area(s);

(5) Financial viability;

- (6) Proximity of service location(s) relative to the clientele; and
- (7) Evidence of good standing with the secretary of state.

He-A 706.02 Approval Period. The commissioner shall approve an IDIP or WIDIP provider for a specific area of the state for a 2-year period beginning January 1, 2008, following the RFP process.

He-A 706.03 Place of Business.

(a) In order to ensure client access and coverage for the entire state, specific catchment areas shall be designated pursuant to He-A 706.03(e).

(b) The commissioner shall approve specific providers to serve specific catchment areas.

(c) More than one provider may be approved for any catchment area.

(d) A provider may serve more than one catchment area.

(e) The catchment areas shall be as follows:

(1) IDIP catchment area number 1 shall be the area served by the:

- a. Berlin District Court;
- b. Colebrook District Court;
- c. Gorham District Court;
- d. Haverhill District Court;
- e. Lancaster District Court; and
- f. Littleton District Court;

(2) IDIP catchment area number 2 shall be the area served by the:

- a. Northern Carroll County District Court; and
- b. Southern Carroll County District Court;

(3) IDIP catchment area number 3 shall be the area served by the:

- a. Laconia District Court; and
- b. Plymouth District Court;

(4) IDIP catchment area number 4 shall be the area served by the:

- a. Claremont District Court;
- b. Lebanon District Court;
- c. New London District Court; and

- d. Newport District Court;
- (5) IDIP catchment area number 5 shall be the area served by the:
- a. Dover District Court;
 - b. Durham District Court; and
 - c. Rochester District Court;
- (6) IDIP catchment area number 6 shall be the area served by the:
- a. Concord District Court;
 - b. Franklin District Court;
 - c. Henniker District Court; and
 - d. Hillsborough District Court;
- (7) IDIP catchment area number 7 shall be the area served by the:
- a. Auburn District Court;
 - b. Derry District Court;
 - c. Goffstown District Court;
 - d. Hooksett District Court;
 - e. Manchester District Court; and
 - f. Merrimack District Court;
- (8) IDIP catchment area number 8 shall be the area served by the:
- a. Jaffrey/Peterborough District Court; and
 - b. Keene District Court;
- (9) IDIP catchment area number 9 shall be the area served by the:
- a. Exeter District Court;
 - b. Hampton District Court; and
 - c. Portsmouth District Court;
- (10) IDIP catchment area number 10 shall be the area served by the:
- a. Plaistow District Court; and
 - b. Salem District Court;

- (11) IDIP catchment area number 11 shall be served by the:
 - a. Milford District Court; and
 - b. Nashua District Court;
- (12) WIDIP catchment area A shall be the area served by the:
 - a. Berlin District Court;
 - b. Colebrook District Court;
 - c. Gorham District Court;
 - d. Haverhill District Court;
 - e. Laconia District Court;
 - f. Lancaster District Court;
 - g. Lebanon District Court;
 - h. Littleton District Court;
 - i. Northern Carroll County District Court;
 - j. Plymouth District Court; and
 - k. Southern Carroll County District Court;
- (13) WIDIP catchment area B shall be the area served by the:
 - a. Auburn District Court;
 - b. Derry District Court;
 - c. Dover District Court;
 - d. Durham District Court;
 - e. Exeter District Court;
 - f. Goffstown District Court;
 - g. Hampton District Court;
 - h. Hooksett District Court;
 - i. Manchester District Court;
 - j. Merrimack District Court;
 - k. Plaistow District Court;

- l. Portsmouth District Court;
 - m. Rochester District Court; and
 - n. Salem District Court; and
- (14) WIDIP catchment area C shall be the area served by the:
- a. Claremont District Court;
 - b. Concord District Court;
 - c. Franklin District Court;
 - d. Henniker District Court;
 - e. Hillsborough District Court;
 - f. Jaffrey/Peterborough District Court;
 - g. Keene District Court;
 - h. Milford District Court;
 - i. Nashua District Court;
 - j. New London District Court; and
 - k. Newport District Court.

He-A 706.04 Access for Inspection and Monitoring. As a condition of approval, each IDIP or WIDIP provider shall:

- (a) Provide access at any time during its hours of operation to department representatives for purposes of inspection and monitoring; and
- (b) Cooperate fully with and answer all questions of department representatives regarding the provision of IDIP or WIDIP services to the public.

He-A 706.05 Non-Transferable Approval. The approval for a designated catchment area for an IDIP or WIDIP provider shall be non-transferable.

He-A 706.06 Termination of Service. If an IDIP or WIDIP terminates its services to its designated catchment area(s) for any reason, the provider shall submit written notification of the termination to the department, and the catchment area(s) shall be reassigned by the commissioner for the remainder of the approval period.

PART He-A 707 MINIMUM IDIP AND WIDIP REQUIREMENTS

He-A 707.01 Confidentiality. IDIPs and WIDIPs shall comply with RSA 172:8-a, RSA 318-B:12, 42 CFR 401.105, and 42 CFR 2, relative to confidentiality of client records and interactions, and shall comply with any other applicable laws.

He-A 707.02 Services Prohibited. Each IDIP and WIDIP shall offer only intervention and educational services for its clients convicted of DWI. Providers shall not offer treatment services for the alcohol and drug problems of said clients within the context of the IDIP or WIDIP.

He-A 707.03 Interpreters and Translators. Each IDIP and WIDIP shall provide, at the provider's expense:

- (a) Interpreters for clients who are hearing impaired; and
- (b) Translators for clients who are non-English speaking, which may include family members, friends, and significant others who may be willing to assist the client at no cost to the provider.

He-A 707.04 Accessibility. Each IDIP and WIDIP shall provide handicapped accessibility into and within the provider's buildings, in compliance with the Americans with Disabilities Act.

He-A 707.05 Forms, Pamphlets, and Other Literature.

(a) In order to ensure uniformity of IDIP and WIDIP data statewide, the department shall design or approve forms, pamphlets, and other written literature.

(b) Providers shall submit to the department any non-department-designed material for department approval prior to use.

(c) The department shall approve new material if the material:

- (1) Does not conflict with any part of He-A 700;
- (2) Is directly relevant to course or program requirements found in He-A 700; and
- (3) Clarifies or enhances an aspect of the program consistent with He-A 700.

(d) Providers shall use and distribute to the department, the courts, the department of safety, and the general public, only those forms, pamphlets, and other written literature that have been designed or approved by the department as described in (a) through (c).

(e) Providers shall make no alterations or amendments to department-designed or approved forms, pamphlets, and other written literature, other than the addition of the provider's logo in the space provided on each one, except as approved by the department.

(f) The department shall provide master copies of all forms, pamphlets, and other written literature to each approved IDIP and WIDIP. Each IDIP and WIDIP shall then be responsible for producing its own supply of the forms, pamphlets, and other written literature.

He-A 707.06 Scheduling Requirements.

(a) Each IDIP and WIDIP shall conduct scheduled sessions to ensure course completion on a timely basis for all clients.

(b) An IDIP shall provide, at a minimum, 20 hours of standardized educational curriculum, which shall be provided in accordance with one of the following options:

- (1) A schedule of 6 sessions, which shall be uniform in length;

- (2) A schedule of 4 sessions, which shall be uniform in length;
- (3) A schedule of 4 sessions on 2 consecutive weekends with sessions on both Saturdays and Sundays, which shall be uniform in length;
- (4) A schedule of 3 sessions on 3 consecutive Saturdays or Sundays, which shall be uniform in length; or
- (5) A schedule of 3 sessions on 2 consecutive weekends with sessions on a Saturday and Sunday of one weekend and one day Saturday or Sunday of the following weekend, which shall be uniform in length.

(c) An IDIP shall not provide overnight accommodations to clients.

(d) A WIDIP shall provide, at a minimum, 20 hours of standardized educational curriculum, which shall be conducted over a 2 and 1/2 day period.

(e) The first session of a WIDIP shall be scheduled on a Friday and the last session shall conclude on the following Sunday.

(f) A WIDIP shall include room and board.

He-A 707.07 Section Size.

(a) The minimum section size shall be 4 clients.

(b) The maximum section size shall be 12 clients.

(c) Up to 3 spouses or significant others may attend each session, and this shall not be counted toward the maximum section size.

(d) For a section that has 8 or fewer clients, there shall be at least one certified instructor.

(e) For a section that has 9 or more clients, there shall be at least 2 instructors. One instructor shall be a certified instructor. The second instructor shall be a co-facilitator.

He-A 707.08 Progress Notes.

(a) The IDIP or WIDIP instructor shall complete a progress note on each client for each session.

(b) Each progress note shall contain the instructor's observations of the client, addressing, at a minimum:

- (1) Attendance;
- (2) Attitude;
- (3) Punctuality;
- (4) Level of group participation and involvement; and
- (5) Any information relevant to the client's current use of alcohol and other drugs.

He-A 707.09 Films and Resource Materials.

(a) Providers shall use only those films and resource materials approved by the department, according to the procedure and criteria described in He-A 707.05(b) and (c).

(b) New films or resource materials may be used subsequent to department approval.

He-A 707.10 IDIP and WIDIP Intake Interview.

(a) There shall be an initial one-on-one intake interview between the client and a NH LADC, or an IDIP or WIDIP staff member under LADC supervision.

(b) The intake interview shall take place prior to, and separate from, course sessions.

(c) The intake interview shall include the following steps:

(1) Each client shall provide the IDIP or WIDIP with the documents required pursuant to He-A 704.04;

(2) The client shall complete the DRI-II and the RIASI diagnostic instruments;

(3) The LADC shall complete Form IDIP-011, client profile, by including the following printed or typewritten information:

a. The facility code;

b. The section where the client is assigned;

c. The last four digits of the client's Social Security number;

d. The client's name;

e. The client's initials;

f. The program type;

g. The client's address;

h. The client's date of birth;

i. The date of the client's intake interview;

j. The client's gender;

k. Whether the client is restarting a program;

l. The court of the client's conviction;

m. The date of the client's arrest;

n. The client's blood alcohol test results, or an indication of the client's refusal of consent;

- o. All of the client's DWI convictions, including the current one, and drug impaired driving convictions, unless otherwise protected by law;
- p. All DWI courses previously attended by the client;
- q. The client's marital status;
- r. The client's education level;
- s. The client's occupation;
- t. The client's current income;
- u. Whether the program fee was reduced due to financial hardship;
- v. The client's history of treatment for any other alcohol or other substance abuse problem;
- w. The frequency of alcohol consumption in the past;
- x. The client's scores on the DRI-II and RIASI diagnostic instruments; and
- y. The signature of the LADC completing the top of the form, which shall not be printed or typewritten;

(4) The client shall provide to the LADC completing Form IDIP-011, client profile, the information required in (3)c., o. through t., v., and w.;

(5) The client shall complete Form IDIP-019, consent for the release of confidential information, specifically for the department, the convicting court, and the department of safety, by including:

- a. The client's name;
- b. The name and address of the convicting court; and
- c. The client's dated signature;

(6) The provider staff member shall sign and date Form IDIP-019, consent for the release of confidential information;

(7) The client shall read and complete either Form IDIP-014, IDIP client agreement, or Form IDIP-015, WIDIP client agreement, by including:

- a. The client's name; and
- b. The client's dated signature, indicating that he or she has read the form and agrees to attend the identified sessions; and

(8) The provider staff member shall complete either Form IDIP-014, IDIP client agreement, or Form IDIP-015, WIDIP client agreement, by including:

- a. The class location of the IDIP or WIDIP, including the street address, city or town, and telephone number;
- b. All scheduled session days, dates, times, and instructors;
- c. The dated signature of the IDIP or WIDIP staff member.

(d) The client shall read, complete, and sign any other forms and materials that describe the provider's individual IDIP or WIDIP policies and procedures or that offer other information related to the program.

He-A 707.11 IDIP and WIDIP Curriculum.

(a) An IDIP or WIDIP shall conduct a group orientation in the first session of the program to inform the clients of the following:

- (1) The rules of the program;
- (2) Expectations of both the provider and the client;
- (3) The current NH DWI laws and the requirements and procedures for successful completion of the IDIP or WIDIP and license reinstatement;
- (4) The rules contained in He-A 700 that require the client's compliance; and
- (5) What failure to complete the program means.

(b) An IDIP or WIDIP shall offer sessions featuring group discussions regarding:

- (1) Physiological and medical effects of toxic substances on the body;
- (2) Psychosocial effects of alcohol and drug use and abuse, focusing on consumption;
- (3) Identification of drinking and impaired driving behaviors and patterns as related to alcohol and other drug use;
- (4) The impact of psychological defense mechanisms;
- (5) The impact of substance abuse on the family; and
- (6) Social and personal attitudes toward substance use and abuse.

(c) During group sessions, instructors shall emphasize group process and self-awareness.

(d) During group sessions, instructors shall facilitate group discussions and interactions regarding each client's description of his or her DWI incident.

(e) At least one group session shall discuss the effects of substance abuse on employment and available treatment options.

(f) During one group session, the topic of children of alcoholics shall be discussed.

He-A 707.12 Exit Evaluation and Assessment Interview.

(a) Following completion of all the required sessions, a LADC shall conduct an exit evaluation and assessment interview with each client, scheduled in accordance with the time frames specified below:

- (1) The IDIP or WIDIP shall provide the client with an opportunity to complete the exit evaluation and assessment interview within 15 business days of the last session;
- (2) If the client does not complete the exit evaluation and assessment interview within 3 months following the date of the last session, the client shall be required to submit to the provider an alcohol and drug abuse dependency evaluation that conforms to the requirements of the second opinion evaluation outlined in He-A 707.15(b)-(f) before the exit evaluation and assessment interview shall be conducted; and
- (3) If the client does not complete the exit evaluation and assessment interview within one year following the date of the last session, the client's file shall be closed, pursuant to He-A 707.18, and the client shall be required to restart and complete the entire program, and pay all applicable fees.

(b) The exit evaluation and assessment interview shall:

- (1) Be a personal, individual interview performed by a LADC employed by the IDIP or WIDIP;
- (2) Be at least one hour in length;
- (3) Follow and be separate from the class sessions;
- (4) Include discussion of the objective diagnostic instruments and the interpretation of the client's scores;
- (5) Include discussion of all substance abuse and dependence indicators presented by the client including the results of the diagnostic instruments in (b)(4);
- (6) Include the LADC's assessment of the client's involvement with alcohol and other drugs; and
- (7) Include either a positive or a negative finding for alcohol or other drug abuse and/or dependence and indicate if there is a need for further evaluation or counseling.

(c) The LADC conducting the exit evaluation and assessment interview shall issue a positive finding, thus overcoming the presumption of successful completion described in He-A 704.05(a), if any of the following exists:

- (1) The client's diagnostic test scores indicate alcohol or drug abuse or dependence, as follows:
 - a. The client's DRI-II alcohol or drug scale score is at the 60th percentile or greater;
 - b. The client's DRI-II truthfulness scale score is at the 90th percentile or greater; or

c. The client's RIASI score is 10 or greater;

(2) The client is age 21 or over and had a blood alcohol concentration (BAC) of 0.16 or higher at the time of arrest;

(3) The client has 2 or more alcohol or drug-related motor vehicle arrests or convictions;

(4) The client is under the age of 21 and had a BAC of 0.08 or higher at the time of arrest; or

(5) The client meets diagnostic criteria for alcohol or other substance abuse and/or dependence in accordance with the most recent version of the Diagnostic and Statistical Manual for Mental Disorder (currently the DSM-IV).

(d) The LADC conducting the exit evaluation and assessment interview shall issue a negative finding if none of the factors described in (c) exists. The LADC, after conferring with the program director, shall also issue a negative finding when factors in (c) exist but in the judgment of both the LADC and the program director a positive finding is clinically contraindicated.

(e) If there is a negative finding, the LADC shall:

(1) Complete Form IDIP-021, program completion report, by including:

a. The facility code;

b. The class section where the client was assigned;

c. The last four digits of the client's Social Security number;

d. The client's name;

e. The client's initials;

f. The client's mailing address;

g. The client's date of birth;

h. The court where the client was convicted;

i. The court docket number;

j. The date of conviction;

k. The date of the client's arrest;

l. The program enrollment date;

m. The completion and recommendation status;

n. The signature of the LADC conducting the exit evaluation and assessment interview;

- o. The date of the exit evaluation and assessment;
 - p. The date aftercare was completed;
 - q. The agency name or LADC providing aftercare; and
 - r. The dated signature of the LADC completing the bottom of the form;
- (2) Send a copy of the completed Form IDIP-021, program completion report, to the department of safety, the convicting court, and the department within 5 business days of the exit evaluation and assessment interview; and
- (3) Complete and send a copy of Form IDIP-011, client profile, to the department, indicating that the client completed the IDIP or WIDIP program.
- (f) If there is a positive finding, the LADC shall refer the client for further counseling, pursuant to He-A 707.13, and inform the client as to the reason for the referral.
- (g) If there is a positive finding and the client does not accept the finding or the further counseling requirements, he or she may:
- (1) Request a second opinion evaluation, pursuant to He-A 707.15; and
 - (2) Act on his or her right to an alcohol program completion hearing before the department of safety, pursuant to RSA 263:65-a and Saf-C 204.20.

He-A 707.13 Referral for Further Counseling. In cases when there is a positive finding for alcohol or other drug abuse and/or dependence and the client is referred for further counseling, the following shall occur.

- (a) The LADC conducting the exit interview shall:
- (1) Develop a preliminary treatment plan that outlines the method and duration of aftercare that the client shall undertake, and shall discuss it with the client;
 - (2) Complete Form IDIP-022, further counseling referral recommendations report, by including:
 - a. The client's name;
 - b. The client's address
 - c. The client's date of birth;
 - d. The date of the client's enrollment;
 - e. The date of the client's referral;
 - f. The client's BAC at the time of arrest, or an indication of the client's refusal of consent;
 - g. The client's scores on the DRI-II and RIASI diagnostic instruments;
 - h. The client's number of DWI convictions;

- i. An assessment of the client's problem and needs area(s);
- j. A brief client history and background;
- k. A description of the client's drinking and drug use patterns;
- l. A preliminary treatment plan;
- m. Any additional comments;
- n. The client's response; and
- o. The dated signature of the LADC completing the form;

(3) Have the client sign and date Form IDIP-022, further counseling referral recommendations report;

(4) Inform the client of the minimum certification/licensure requirements an aftercare provider must hold in order to provide approved aftercare services, as follows:

- a. Outpatient counseling with a New Hampshire LADC, or an International Certification and Reciprocity Consortium (IC&RC) reciprocal level counselor;
- b. Outpatient counseling with a person working towards licensure as a New Hampshire LADC and who has passed the written examination required by the New Hampshire board of licensed alcohol and other drug abuse professionals and is under the direct supervision of a New Hampshire LADC; and
- c. A licensed psychologist with a certificate from the American Psychological Association for the treatment of alcohol and other psychoactive substance abuse disorders;

(5) Inform the client of the approved aftercare treatment/evaluation services available, including:

- a. Prescribed alcohol and drug abuse self-help groups;
- b. Prescribed intensive outpatient or residential treatment services; and
- c. Outpatient counseling per the certification/licensure requirements listed in (3);

(6) Provide the client with a list of referrals, which shall be aftercare providers that meet the requirements in (a)(4)-(5);

(7) Inform the client of the various counseling options available to the client, as described in (b) through (d);

(8) Complete Form IDIP-011, client profile, by including:

- a. The LADC's treatment recommendations;

- b. The LADC's dated signature; and
- c. The date upon which the exit evaluation and assessment interview was completed; and

(9) Complete Form IDIP-033, further counseling report notification, by including:

- a. The client's name, address, and date of birth;
- b. The date of the client's exit evaluation and assessment interview; and
- c. The LADC's dated signature.

(b) If the client chooses to receive aftercare from the same provider that provided the client with IDIP or WIDIP services, if the provider has this service available, then:

(1) The client shall read and complete Form IDIP-032, waiver of alternative provider for further counseling requirements, by including:

- a. The client's name; and
- b. The client's dated signature;

(2) The aftercare LADC shall sign and date Form IDIP-032, waiver of alternative provider for further counseling requirements;

(3) The client shall read and complete Form IDIP-020, consent for the release of treatment information, by including:

- a. The client's name;
- b. The aftercare agency name and address; and
- d. The client's dated signature;

(4) The aftercare LADC shall sign and date Form IDIP-020, consent for the release of treatment information; and

(5) The client shall not receive aftercare directly from the LADC that conducted his or her exit evaluation and assessment interview.

(c) If the client chooses to receive aftercare from an aftercare provider that did not provide the client with IDIP or WIDIP services, then the client shall complete and the aftercare LADC shall sign and date Form IDIP-020, consent for the release of treatment information, described in (b)(3)-(4) above.

(d) If the client chooses to receive aftercare from an aftercare provider outside of the State of New Hampshire, that client shall receive aftercare from an IC&RC reciprocal aftercare provider in that state. If there is no IC&RC reciprocal aftercare provider in that state, then the client may receive aftercare from an aftercare provider that is approved by that state for the purposes of license reinstatement subsequent to an alcohol or drug DWI conviction.

(e) Within 5 business days of the exit evaluation and assessment interview, the IDIP or WIDIP provider shall forward:

- (1) Form IDIP-033, further counseling report notification, to the department of safety;
- (2) Form IDIP-022, further counseling referral recommendations report, to the convicting court; and
- (3) Form IDIP-011, client profile, to the department.

He-A 707.14 Substantial Compliance with Further Counseling Requirements.

(a) Substantial compliance with further counseling requirements shall include the following:

- (1) The client shall begin fulfilling the further counseling requirements within 3 months from the date of the exit evaluation and assessment interview; and
- (2) The client shall pay all costs associated with the further counseling requirements.

(b) The IDIP or WIDIP shall obtain documentation of the client's compliance with the further counseling requirement, as follows:

- (1) If the client is receiving counseling, the aftercare provider shall submit to the IDIP or WIDIP a final summary report indicating the client's compliance with the further counseling requirement and including an assessment of the client's level of risk to recidivate; or
- (2) If the client is attending a self-help organization, the client shall provide documentation of attendance and written reports of each meeting, which shall include the subject covered, the client's reaction to the meeting, and how the meeting applied to the client.

(c) Upon receiving complete documentation of a client's compliance with the further counseling requirement, the IDIP or WIDIP provider shall forward within 5 business days a copy of Form IDIP-021, program completion report, to the department, the court of conviction, and the department of safety.

He-A 707.15 Second Opinion Evaluation and Assessment.

(a) If the client disagrees with the positive finding or the further counseling requirements, as determined by the client's exit evaluation and assessment interview, the client may request a second opinion evaluation and assessment.

(b) A second opinion evaluation and assessment shall be completed by a different LADC than the one who conducted the client's exit evaluation and assessment interview or by another provider that has met the requirements of He-A 707.13(a)(4)-(5).

(c) The client shall pay all costs associated with obtaining a second opinion evaluation.

(d) The client who requests a second opinion shall sign Form IDIP-020, consent for the release of treatment information, to allow the IDIP or WIDIP provider to forward all clinical data to the LADC, or other provider that meets the requirements of He-A 707.13(a)(4)-(5), conducting the second opinion evaluation.

(e) The IDIP or WIDIP shall forward clinical data to the LADC, or other provider that has met the requirements of He-A 707.13(a)(4)-(5), conducting the second opinion evaluation within 5 days of receiving Form IDIP-020.

(f) The LADC, or other provider that has met the requirements of He-A 707.13(a)(4)-(5), rendering the second opinion shall:

- (1) Review all the clinical data including testing done by the IDIP or WIDIP regarding the client prior to conducting the evaluation;
- (2) Meet with the client for no fewer than 3 and no more than 5 clinical hours; and
- (3) Complete a written report of the second opinion evaluation and assessment, including, but not limited to:
 - a. An acknowledgment of the receipt and review of the IDIP or WIDIP clinical data;
 - b. The dates and duration of all client contact occurring in the course of the evaluation;
 - c. A biopsychosocial history of the client;
 - d. A substance abuse history of the client;
 - e. A legal history of the client;
 - f. A medical history of the client;
 - g. A family substance abuse history;
 - h. The relevant psychiatric history of the client;
 - i. The relevant medication history of the client
 - j. The client's current substance use/abuse dependency status;
 - k. The client's history of self-help attendance or involvement, if applicable;
 - l. The client's history of any prior treatment for alcohol or substance abuse;
 - m. A summary of the client's level of participation and motivation;
 - n. An identification and results summary of all diagnostic instruments utilized in the course of conducting the evaluation;
 - o. An assessment of client's current risk level to recidivate; and
 - p. Further counseling and treatment recommendations for the client, if applicable; and
- (4) Forward the report in (3) to the IDIP or WIDIP program director.

(g) Upon receipt of the second opinion evaluation report from the LADC, or other provider that has met the requirements of He-A 707.13(a)(4)-(5), the program director and the LADC exit evaluator shall review the findings of both the original exit evaluation and assessment interview and the second opinion evaluation.

(h) If there is information missing from the second opinion evaluation report, the program director shall obtain the missing information from the provider who rendered the second opinion evaluation.

(i) If the results of the second opinion evaluation agree with the positive finding and the further counseling requirement of the original exit evaluation and assessment interview, the program director shall inform the client of his or her need to comply with the original further counseling requirement or act upon act on his or her right to a hearing before the department of safety, pursuant to RSA 263:65-a and Saf-C 204.20.

(j) If the results of the second opinion evaluation do not agree with the positive finding of the original exit evaluation and assessment interview, the program director and the LADC exit evaluator shall:

(1) Accept the second opinion evaluation as is and change the original further counseling requirements to coincide with the second opinion if new information is presented or previously existing information is clarified to indicate a different clinical finding;

(2) Communicate with the LADC, or other provider that has met the requirements of He-A 707.13(a)(4)-(5), that rendered the second opinion in order to address any new information or clarification of existing information and modify the original further counseling requirements accordingly; or

(3) Reject the second opinion evaluation if no new information or clarification of existing information has been received and maintain the client's need to comply with the original further counseling requirements.

(k) If, after reviewing the second opinion evaluation report, the program director finds that the client needs to comply with the original or modified further counseling requirements, the program director shall so inform the client.

(l) If, after reviewing the second opinion evaluation report, the program director finds that the client does not need further counseling, the program director shall so inform the client and shall send Form IDIP-021, program completion report, to the department of safety within 5 days of receiving the second opinion evaluation.

He-A 707.16 Alcohol Program Completion Hearing.

(a) A client may request a hearing with the department of safety, pursuant to RSA 263:65-a and Saf-C 204.20, in order to rebut the finding and/or the further counseling requirements as determined at the client's exit evaluation and assessment interview.

(b) At the alcohol program completion hearing conducted in accordance with Saf-C 204.20 and RSA 263:65-a, V, the IDIP or WIDIP shall have the burden of proving that the client has not successfully completed the program.

He-A 707.17 Closing of Files.

- (a) An IDIP or WIDIP provider shall close a client's file if:
 - (1) The client fails to complete an exit evaluation and assessment interview within one year of the last scheduled class session;
 - (2) A client's exit evaluation and assessment interview results in a negative finding and Form IDIP-021, program completion report, is sent to the department of safety, the court of conviction, and the department, pursuant to He-A 707.12(e);
 - (3) After receiving complete documentation of a client's successful compliance with the further counseling requirements, Form IDIP-021, program completion report, is sent to the department of safety, the court of conviction, and the department, pursuant to He-A 707.15; or
 - (4) The client fails to begin fulfilling the further counseling requirements within 3 months of his or her exit evaluation and assessment interview.
- (b) If a client's file is closed pursuant to (a)(1), the IDIP or WIDIP provider shall:
 - (1) Complete Form IDIP-011, client profile, by indicating that the client did not complete an exit evaluation and assessment interview; and
 - (2) Submit Form IDIP-011 to the department.
- (c) If a client's file is closed pursuant to (a)(4), the IDIP or WIDIP provider shall:
 - (1) Complete Form IDIP-036, close file form, by including:
 - a. The facility code;
 - b. The section where the client is assigned;
 - c. The last four digits of the client's Social Security number;
 - d. The client's name;
 - e. The client's address;
 - f. The client's date of birth;
 - g. The date of the exit interview, if completed;
 - h. The further counseling requirements, if applicable; and
 - i. The provider staff member's signature; and
 - (2) Submit Form IDIP-036 to the department.
- (d) The IDIP or WIDIP shall reopen a client's file after it has been closed pursuant to (a)(4) if the following conditions are met:
 - (1) The client requests that his or her file be reopened;
 - (2) The client pays the provider a \$50.00 administrative fee; and

(3) If more than 6 months have elapsed since the date of the exit evaluation and assessment interview, the client has a LADC, or other provider that has met the requirements of He-A 707.13(a)(4)-(5), conduct an alcohol and drug abuse dependency evaluation that conforms to the requirements of the second opinion evaluation outlined in He-A 707.15(b)-(f).

(e) If there is information missing from the updated alcohol and drug abuse dependency evaluation report, the program director shall obtain the missing information from the provider who rendered the updated evaluation.

(f) Once a client's file has been reopened, the program director and the LADC exit evaluator shall:

(1) Consider both the original exit evaluation finding and further counseling requirements and the updated alcohol and drug abuse dependency evaluation;

(2) Develop an updated treatment plan that outlines the method and duration of treatment that the client shall undertake; and

(3) Require the client to comply with the recommended aftercare pursuant to He-A 707.14.

PART He-A 708 PROGRAM MONITORING

He-A 708.01 On-Site Visit.

(a) A department representative shall conduct on-site visits of all IDIPs and WIDIPs at least once per approval period.

(b) Visits may be scheduled or unscheduled, but shall take place during the IDIP's or WIDIP's operating hours.

(c) Visits shall include:

(1) Random checking of records for accuracy and completeness;

(2) Review of the provider's adherence to the curriculum format as described in He-A 707.11;

(3) Review of resource material; and

(4) Critique and evaluation of instructors.

(d) IDIPs and WIDIPs shall have staff available to answer questions during scheduled site visits and shall allow access to locked files during scheduled site visits.

He-A 708.02 Monitoring Report.

(a) A department representative shall complete a monitoring report within 14 business days of an on-site visit, which shall include:

(1) Specific recommendations for provider improvements and changes, if any;

- (2) Corrective actions to be taken by the provider, if any; and
- (3) Time frames for any corrective actions indicated.

(b) The department representative shall forward a copy of the monitoring report to the program director.

He-A 708.03 Follow-Up Visit. If adjudged necessary by the department representative because of needs for correction as a result of a previous site visit, client complaints, or errors in paperwork, a follow-up visit to communicate and discuss concerns shall be conducted, to ensure that the provider has followed the recommendations for improvements and changes, and for corrective actions.

PART He-A 709 PROCEEDINGS

He-A 709.01 Proceedings. Any adjudicative proceedings, including hearings that are necessary to resolve any contested issue relative to an IDIP or WIDIP provider or a certified IDIP or WIDIP instructor, shall be conducted pursuant to He-C 200.

PART He-A 710 WAIVERS

He-A 710.01 Waivers.

(a) The commissioner shall waive any element or portion of these rules if the commissioner determines that such a waiver would:

- (1) Rectify problems unforeseen by the rules; or
- (2) Assist a client in completing an IDIP or WIDIP when strict adherence to the rules would be unduly onerous due to unique circumstances beyond the client's control.

(b) A written request for a waiver of specific procedures in these rules shall be made by the director of the division of public health services (DPHS) or by an IDIP or WIDIP program director and shall be submitted to the commissioner.

(c) A request for a waiver shall include:

- (1) A specific reference to the rule for which a waiver is being sought;
- (2) A full explanation of why a waiver is necessary; and
- (3) A full explanation of alternative procedures proposed, which detail how the intent of the rule will be satisfied if the waiver is granted.

(d) A request for waiver shall be granted if the commissioner determines that:

- (1) The criteria described in (a) have been met;
- (2) Strict compliance with the procedure(s) sought to be waived does not contradict the intent of these rules; and
- (3) The alternative procedures proposed are at least equivalent to the specific procedures contained in the rule, or the alternative procedures proposed are not

equivalent to the procedures contained in the rule but are sufficient to ensure that the intent of the relevant provisions of the rule will be accomplished.

(e) Subsequent compliance with the alternative procedures approved in the waiver shall be considered to be in compliance with the rule for which waiver was sought.

Appendix

<u>Section</u>	<u>Title</u>	<u>Federal Reg./RSA</u>
He-A 701.01	Purpose	RSA 172-B:2-a; RSA 263:65-a
He-A 702.01	Definitions	RSA 172-B:1, I-XIV; RSA 541-A:7
He-A 703.01	IDIP Fee	RSA 172-B:2-a, II (d)
He-A 703.02	WIDIP Fee	RSA 172-B:2-a, II (d)
He-A 703.03	Administrative Fee for IDIPs and WIDIPs	RSA 172-B:2-a, II (d)
He-A 703.04	Administrative Fee for Program Transfer	RSA 172-B:2-a, II (d)
He-A 703.05	Per-Client Monitoring Fee	RSA 172-B:2-a, III (c)
He-A 703.06	Provider Audit	RSA 172-B:2-a, II (c)-(d) and III (c)
He-A 703.07	Annual Report of Reduced Fees	RSA 172-B:2-a, II (c)-(d) and III (c)
He-A 704.01	New Hampshire Residents: Program Options	RSA 172-B:2-a, I (b), II (b), and III (d); RSA 263:65-a I (a) and (c)
He-A 704.02	Student Exceptions	RSA 263:65-a, I (b)
He-A 704.03	Non-Residents: Program Options	RSA 263:65-a, I and V
He-A 704.04	Enrollment	RSA 263:65-a, IV (a)
He-A 704.05	Attendance and Completion Requirements	RSA 263:65-a, II and III; RSA 172-B:2-a, II (a) and (c)
He-A 705	Instructor Certification	RSA 172-B:2-a, III (b)
He-A 706.01	Approval for Delivery of Service	RSA 172-B:2-a, I
He-A 706.02	Approval Period	RSA 172-B:2-a, I
He-A 706.03	Place of Business	RSA 172-B:2-a, II (b)
He-A 706.04	Access for Inspection and Monitoring	RSA 172-B:2-a, III (d)
He-A 706.05	Non-Transferable Approval	RSA 172-B:2-a, I
He-A 706.06	Termination of Services	RSA 172-B:2-a, I
He-A 707.01	Confidentiality	RSA 172-B:2-a, II (c)
He-A 707.02	Services Prohibited	RSA 172-B:2-a, III (a)
He-A 707.03	Interpreters and Translators	RSA 172-B:2-a, I and III (d)
He-A 707.04	Accessibility	RSA 172-B:2-a, I and III (d)
He-A 707.05	Forms, Pamphlets, Other Literature	RSA 172-B:2-a, I-b and III (d)
He-A 707.06	Scheduling Requirements	RSA 172-B:2-a, I-b and III (d)
He-A 707.07	Section Size	RSA 172-B:2-a, I and III (d)
He-A 707.08	Progress Notes	RSA 172-B:2-a, II (c)
He-A 707.09	Films and Resource Materials	RSA 172-B:2-a, III (a)
He-A 707.10	IDIP and WIDIP Intake Interview	RSA 172-B:2-a, I-b; RSA 172-B:2-a, III (a)
He-A 707.11	IDIP and WIDIP Curriculum	RSA 172-B:2-a, I-b and III (a)

He-A 707.12	Exit Evaluation and Assessment Interview	RSA 172-B:2-a, I-b
He-A 707.13	Referral for Further Counseling	RSA 172-B:2-a, II (e)
He-A 707.14	Substantial Compliance with Further Counseling Requirements	RSA 172-B:2-a, II (e)
He-A 707.15	Second Opinion Evaluation and Assessment	RSA 172-B:2-a, II
He-A 707.16	Alcohol Program Completion Hearing	RSA 172-B:2-a, II
He-A 707.17	Closing of Files	RSA 172-B:2-a, II
He-A 708.01	On-Site Visits	RSA 172-B:2-a, III (d)
He-A 708.02	Monitoring Report	RSA 172-B:2-a, II (c) and III (d)
He-A 708.03	Follow-Up Visits	RSA 172-B:2-a, III (d)
He-A 709.01	Proceedings	RSA 263:65-a, V; RSA 172-B:2-a, III (d)
He-A 710.01	Waivers	RSA 172-B:2-a, II (e)