

APPENDIX II-C

RULEMAKING NOTICE FORM

Notice Number _____	Rule Number _____	He-A 500
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1. Agency Name & Address: Department of Health & Human Services Bureau of Drug and Alcohol Services 105 Pleasant Street Concord, NH 03301	2. RSA Authority: <u> RSA 265-A:39, 40, and 42 </u> 3. Federal Authority: _____ 4. Type of Action: Adoption _____ Repeal _____ Readoption <u> X </u> Readoption w/amendment <u> X </u>	
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5. Short Title: Impaired Driver Programs		
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6. (a) Summary of what the rule says and of any proposed amendments:

He-A 500 implements the requirements of RSA 265-A relative to the provision of treatment and educational services to persons convicted of driving while impaired offenses. He-A 500 establishes the requirements to be approved as an impaired driver care management program, an impaired driver education program, and an impaired driver services provider, and the requirements that must be met for those persons convicted of a driving while impaired offense. Various provisions of He-A 500 are scheduled to expire January 1, 2023, but are subject to extension pursuant to RSA 541-A:14-a.

The Department of Health & Human Services (Department) is proposing to readopt and readopt with amendment He-A 500. Amendments to the proposed rule include:

- **Updating the rule for better clarity and program integrity;**
- **Allowing for the Department to increase fees impaired driving care management programs (IDCMP) are allowed to charge individuals convicted of impaired driving. The current fees have not been updated since the rule went into effect in 2013. This amendment would allow providers to charge fees that are more in line with current substance misuse treatment rates, which enable the programs and providers to continue to treat impaired drivers;**
- **Decreasing the amount of information the IDCMPs are required to enter into the states electronic record keeping system as a way to reduce burden on the programs and providers; and**
- **Updating the rule to meet current substance misuse treatment best practices, as defined by the Substance Abuse and Mental Health Services Administration, the American Society of Addiction Medicine, and other state and federal organizations.**

6. (b) Brief description of the groups affected:

He-A 500 affects entities who wish to be approved by the commissioner of the department of health and human services to be impaired driver care management programs, impaired driver education programs, and/or impaired driver service providers. The rules also apply to those persons convicted of a driving or operating while impaired offense.

6. (c) Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement:

Rule Number	State or Federal Authority
He-A 501.01 – 501.02	RSA 265-A:39; RSA 265-A:40, I
He-A 502.01	RSA 265-A:2; RSA 265-A:3, RSA 265-A:40; RSA 330C
He-A 503.01 – 503.07	RSA 265-A:40, I
He-A 504.01 – 504.10	RSA 172:8-a, RSA 265-A:40, I, RSA 318-B:12
He-A 505.01-505.03	RSA 265-A:39, III(d), III(g); RSA 265-A:40, IV, VII(e), VII(g)
He-A 506.01 -506.04	RSA 265-A:39; RSA 265-A:40
He-A 507.01	RSA 265-A:40, II
He-A 507.01(b)(1)a.	RSA 265-A:40, III
He-A 507.02	RSA 265-A:40, II(a)
He-A 507.03	RSA 265-A:40, II(b), VIII RSA 330-C:16
He-A 507.04	RSA 265-A:40, II(c), VI
He-A 507.05	RSA 265-A:40, II(g)
He-A 507.06	RSA 265-A:40, II(d), II(e), II(f)
He-A 507.07	RSA 265-A:40, II(h), V
He-A 507.08	RSA 265-A:40, II(h); RSA 265-A:42, I
He-A 507.09	RSA 265-A:40, II
He-A 508.01 – 508.03	RSA 265-A:39, I
He-A 508.04 – 508.06	RSA 265-A:39, II
He-A 508.07	RSA 265-A:40, IX
He-A 509.01 – 509.06	RSA 265-A:39, III(f), RSA 265-A:40
He-A 510.01 – 510.13	RSA 265-A:40, I; RSA 330-C:1

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name: **Allyson Raadmae** Title: **Administrator- Administrative Rules Unit**
Address: **Dept. of Health and Human Services** Phone #: **(603) 271-9604**
Administrative Rules Unit Fax#: **(603) 271-5590**
129 Pleasant Street, 2nd Floor E-mail: Allyson.E.Raadmae@dhhs.nh.gov
Concord, NH 03301

TTY/TDD Access: Relay NH 1-800-735-2964
or dial 711 (in NH)

The proposed rules may be viewed and downloaded at:

<https://www.dhhs.nh.gov/doing-business-dhhs/legal-services/administrative-rules/nh-administrative-rules-public-comment>

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **Tuesday, February 14, 2023**

Fax

E-mail

Other format (specify):

9. Public hearing scheduled for:

Date and Time: **Tuesday, February 7, 2023 at 2:00pm**

Place: **[DHHS Brown Bldg., Auditorium, 129 Pleasant St., Concord, NH](#)**

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant)

FIS # 22:259, dated December 27, 2022

1. Comparison of the costs of the proposed rule(s) to the existing rule(s):

When compared to the existing rule, the proposed rule may increase costs to state citizens and benefit independently-owned businesses by indeterminable amounts.

2. Cite the Federal mandate. Identify the impact on state funds:

No federal mandate, no impact on state funds.

3. Cost and benefits of the proposed rule(s):

A. To State general or State special funds:

None.

B. To State citizens and political subdivisions:

The proposed rules may raise costs for individuals convicted of impaired driving by allowing providers to charge higher fees for required programming. The extent of these costs is indeterminable.

C. To independently owned businesses:

The proposed rules may benefit independently-owned businesses by allowing providers of impaired driver programming to charge fees in line with industry standards. The rules may also reduce providers' administrative costs by reducing the amount of information they need to enter into the state's electronic record-keeping system.

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution:

The proposed rule modifies an existing program or responsibility, but does not mandate any fees, duties or expenditures on the political subdivisions of the state, and therefore does not violate Part I, Article 28-a of the N.H. Constitution.

CHAPTER He-A 500 IMPAIRED DRIVER PROGRAMS

Readopt He-A 501 through He-A 504, effective 1-1-13 (Document #10240), to read as follows:

PART He-A 501 PURPOSE AND SCOPE

He-A 501.01 Purpose. The purpose of these rules is to implement the requirements of RSA 265-A relative to the provision of treatment and educational services to persons convicted of driving ~~while impaired offense~~ or operating under the influence of alcohol or other substances. These ~~rules~~ establish the requirements to be approved as an impaired driver care management program, an impaired driver education program, and an impaired driver services provider, and the requirements that must be met for those persons convicted of an offence related to operating under the influence of alcohol or other substances. ~~driving while impaired offense.~~

He-A 501.02 Scope. These rules apply to entities who wish to be approved by the commissioner of the department of health and human services to be impaired driver care management programs, impaired driver education programs, and/or impaired driver service providers. The rules also apply to those persons convicted of a driving or operating while impaired offense.

PART He-A 502 DEFINITIONS

He-A 502.01 Definitions.

~~(a) “Access to Recovery (ATR) program” means a special initiative funded by the federal government and implemented by the New Hampshire department of health and services’ bureau of drug and alcohol services, designed to provide clinical substance abuse treatment and recovery support services to targeted populations, and described in He A 400.~~

~~(ab) “Alcohol and drug abuse screening (screening)” means an interview with the client, conducted in person by a qualified individual, using one or more approved diagnostic instruments, to determine the likelihood of a substance use disorder.~~

~~(be) “Approval period” means the period of time that providers are approved to provide IDCMP and IDSP services.~~

~~(cd) “Bureau” means the New Hampshire department of health and human services’ bureau of drug and alcohol services (BDAS).~~

~~(de) “Certification” means a process whereby the department determines whether an applicant meets the minimum qualifications for an IDEP instructor.~~

~~(ef) “Client” means a person convicted of a driving while impaired (DWI) offense and thus mandated to attend and successfully complete an IDCMP and/or IDEP.~~

~~(fg) “Clinical services” means alcohol and drug intervention activities such as outpatient counseling, residential treatment, or other similar activities deemed necessary by the IDCMP as the result of a positive finding for a substance use disorder.~~

~~(gh) “Co-facilitator” means a person who assists a certified instructor in conducting an IDEP class and who is currently working towards becoming a certified instructor.~~

~~(hi) “Commissioner” means the commissioner of the department, or his or her designee.~~

(~~ij~~) “Completion report” means a report that contains information about the client’s completion status after participating in an IDCMP.

(~~jk~~) “Course” means the 20 hours of educational classes pertaining to an IDEP.

(~~kl~~) “Department” means the New Hampshire department of health and human services (DHHS).

(~~lm~~) “Department representative” means the individual designated by the department to conduct on-site visits at IDCMPs.

(~~mn~~) “Diagnostic instruments” means written or electronic screening or evaluation tools designed to elicit responses from clients relative to their involvement with alcohol and other drugs.

(~~no~~) “Directed plan of correction” means a plan developed by the department that specifies the actions the IDCMP shall take to correct identified deficiencies.

(~~op~~) “Driving while impaired (DWI)” means driving under the influence of alcohol or other drugs, pursuant to RSA 265-A:2 and RSA 265-A:3.

(~~pq~~) “Financial viability” means the ability to generate sufficient income to meet operating expenses, debt commitments, and where applicable, to allow growth while maintaining service levels.

(~~qr~~) “Impaired driver education program (IDEP)” means a program that persons convicted under RSA 265-A:2 or RSA 265-A:3 are required to attend, pursuant to RSA 265-A:40, in order to regain their driver’s licenses or driving privileges and that is operated by an IDCMP.

(~~rs~~) “Impaired driver care management program (IDCMP)” means a entity approved by the department to provide impaired driver care management programming and educational programming.

(~~st~~) “Impaired driver services provider (IDSP)” means ~~an~~ substance misuse treatment entity approved by the department to provide treatment services or recovery support services to persons convicted of DWI-provider who has been approved by the bureau, pursuant to He-A 510, to provide services to persons convicted of a DWI.

(~~tu~~) “Incapacitation” means an inability to work, attend school, or perform other regular daily activities due to a serious health condition supported by appropriate medical documentation.

(~~uv~~) “Instructor” means an individual who has been certified by the department, pursuant to He-A 509, to facilitate IDEP sessions.

(~~vw~~) “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.

(~~wx~~) “Licensed alcohol and drug counselor (LADC)” means a person licensed by the state of New Hampshire in accordance with RSA 330-C to serve as an alcohol and other drug counselor.

(~~xy~~) “Master licensed alcohol and drug counselor (MLADC)” means a person licensed by the state of New Hampshire in accordance with RSA 330-C to serve as an alcohol and other drug counselor.

(~~yz~~) “Negative finding” means the result of a screening or an evaluation which indicates that a client does not have a likelihood of a substance use disorder or does not have a substance use disorder, respectively.

(~~zaa~~) “Plan of correction (POC)” means a plan developed and written by the IDCMP, which specifies the actions that shall be taken to correct identified deficiencies.

(~~aaab~~) “Positive finding” means the result of a screening or an evaluation which indicates that a client has a likelihood of a substance use disorder or has a substance use disorder, respectively.

(~~abae~~) “Recovery support services” means services that are provided to clients to support their recovery from alcohol and other drug problems, and prevent relapse.

(~~acae~~) “Section” means the group of clients taking an IDEP course at the same time.

(~~adae~~) “Service plan” means the written individualized plan of care created by a qualified individual which is the result of a positive finding after a substance use disorder evaluation and which includes the course of treatment and recovery support services required to be completed by the client.

(~~aeaf~~) “Substance use disorder evaluation (evaluation)” means a clinical face-to-face interview with a client conducted by a qualified professional ~~which includes, but is not limited to, the following elements: substance abuse history, legal history, medical history, family substance abuse history, psychiatric history, medication history, and current substance use/abuse dependency status using the American Society of Addiction Medicine (ASAM) criteria.~~

(~~afae~~) “Treatment” means the use of any planned, intentional intervention in the health, behavior, personal, and/or family life of an individual suffering from a substance use disorder designed to enable the affected individual to achieve and maintain sobriety, physical and mental health, and a maximum functional ability.

PART He-A 503 IDCMP APPLICATION REQUIREMENTS

He-A 503.01 Approval Required for Delivery of IDCMP 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 500 without first submitting an application and obtaining approval from the commissioner.

(b) The department shall maintain, update, and publish a list of approved providers of IDCMP services.

(c) The department shall notify the NH attorney general’s office when a program is providing IDCMP services to clients without proper approval of the commissioner.

He-A 503.02 Application Requirements.

(a) Applicants for provision of IDCMP services shall submit a completed application, “Impaired Driver Care Management Program Application” (~~November 2012~~December 2022), along with required supporting documentation outlined in (b) below and non-refundable \$125.00 application fee to BDAS via email, or mailed to:

Department of Health and Human Services
Bureau of Drug and Alcohol Services
c/o Impaired Driver Services Coordinator
105 Pleasant Street
Concord, NH 03301

(b) The following documentation shall be submitted with the application in (a) above:

- (1) Budget;
- (2) Most recent year's financial audit report, if applicable;
- (3) Most recent tax return, if applicable;
- (4) Most recent annual report, if applicable;
- (5) Financial viability narrative;
- (6) If a start up organization, a financial plan, including the following:
 - a. Projected revenue;
 - b. Projected cash flow; and
 - c. Projected profits;
- (7) Program staff list;
- (8) Certification of insurance for general liability and workers' compensation;
- (9) Certificate of good standing;
- (10) Certificate of occupancy for each service site;
- (11) Policy and procedure manual; and
- (12) Curriculum syllabus for impaired driver education program (IDEP).

He-A 503.03 Processing of Applications and Issuance of Approvals.

(a) An application for an initial approval shall be complete when the department determines that all items required by He-A 503.02(a) have been received.

(b) Within 30 days of receipt, if an application does not contain all of the items required by He-A 503.02(a), the department shall notify the applicant in writing of the information required before the application can be processed.

(c) After written notice in (b) above, ~~if an and the~~ applicant's ~~failure~~ sure to provide missing information within 60 calendar days, an incomplete application shall ~~be denied~~ not be processed.

(d) Applicants shall be notified within 90-60 days of receipt of a complete application as to ~~the status~~ of whether their application is approved or denied.

(e) The commissioner shall approve an IDCMP if the commissioner determines that the applicant has:

- (1) Submitted to the department a complete application and an application fee of \$150.00;
- (2) Demonstrated professional capability by meeting the staffing requirements in He-A 504.04(g) and (h);
- (3) Demonstrated at least 2one years' experience ~~in providing working in the field of impaired driver services~~substance misuse treatment or services at least comparable to an IDCMP and an IDEP;
- (4) Demonstrated financial viability based on ~~an analysis that includes, but is not limited to, the following:~~information provided with the application; and
 - a. ~~Level of debt including management and provisions for debtors;~~
 -
 - b. ~~Cash management and internal control policies and procedures;~~
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 - c. ~~The most recent full year audited financial report prepared in accordance with Generally Accepted Accounting Principles (GAAP);~~
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 - d. ~~In the event that the agency is a start-up organization, in lieu of an audited financial report in c. above, a business plan which includes the following:~~
 - (i) ~~Executive summary that highlights the mission and vision in 2 pages or less;~~
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 - (ii) ~~Company summary that provides a factual description of the organization, ownership, and history;~~
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 - (iii) ~~Description of services to be provided and how they compare to that of competitors;~~
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 - (iv) ~~Market analysis that summarizes the client base, competitive landscape, market area, and expected market growth;~~
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 - (v) ~~Management summary that describes the background on the management team, their experiences, and key accomplishments; and~~
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 - (vi) ~~Financial plan that contains key financials including projected revenues, cash flow, and profits; and~~
 - e. ~~Ratio analysis that takes into account:~~
 - (i) ~~Liquidity;~~
 -
 - (ii) ~~Capital structure;~~
 -
 - (iii) ~~Equity profile; and~~
 -
 - (iv) ~~Going concern considerations; and~~
 -
- (5) Agreed to comply with all applicable requirements of He-A 500.
- (f) ~~As a condition of approval, an IDCMP shall be an approved ATR provider and actively enroll clients in the ATR program.~~

(f) Applications may be submitted anytime throughout the year.

(g) All approvals issued shall be non-transferable.

He-A 503.04 Approval Expirations and Procedures for Renewals.

(a) An initial approval shall be valid on the date of issuance and expire one year later on the last day of the month it was issued unless a completed application for renewal has been submitted ~~received in the~~ timeframe outlined in (b) below.

(b) Each IDCMP shall complete and submit to the department a renewal ~~renewal~~ application form pursuant to He-A 503.02(a) at least 90 days prior to the expiration of the current approval, along with a \$75.00 renewal fee.

(c) If an IDCMP fails to submit a complete application for renewal as required under (a) and (b) above, the IDCMP shall cease operation the day after the current approval expires, and shall not operate until a new written approval is obtained.

(d) An approval shall be renewed if the department determines that the IDCMP:

(1) Submitted an application containing all the items required by He-A 503.02(a), prior to the expiration of the current approval;

(2) If applicable, ~~Submitted~~ a plan of correction that has been accepted by the department and implemented by the IDCMP if deficiencies were cited at the last ~~on-site visit or investigation~~ audit; and

(3) Is in compliance with He-A 500.

(e) A renewal approval shall be valid on the date of issuance and expire 3 years later on the last day of the month it was issued unless a completed application for renewal has been ~~received~~ submitted in the timeframe outlined in (b) above.

He-A 503.05 Denial of an Initial or Renewal Application. The department shall deny an application for approval if, based on the information in the application or from an ~~on-site audit or on-site visit~~ visit, the applicant fails to meet the requirements of He-A 500 or if any of the factors in He-A 504.09(b) exists

He-A 503.06 Termination of Service. If an IDCMP terminates its services or ceases operation, for any reason, the ~~IDCMP provider~~ shall submit

(a) Provide written notification of the termination of services to the department and to all current clients no later than 90 days prior to the date the IDCMP intends to cease operations or terminate a provision of service; ~~termination date.~~

(b) Provide the department a written plan for the transfer of client services and records to another IDCMP;

(c) Assist current clients with the transition of services to another IDCMP, including the transfer of client records; and

(d) Arrange for the secure storage of and access to all client records for any records not transferred to another IDCMP.

He-A 503.07 Requirements for Organizational Changes.

(a) The IDCMP shall provide the bureau with written notice at least 30 days prior to changes in any of the following:

- (1) Ownership;
- (2) Physical location;
- (3) Agency name; or
- (5) Service delivery.

(b) The IDCMP shall inform the bureau in writing, as soon as possible, prior to a change in key personnel, such as executive director, program coordinator, and licensed or otherwise required credentialed staff.

~~(c)~~ The IDCMP shall complete and submit a new application and obtain a new approval prior to operating for a change in ownership.

- ~~(1) A change in ownership; or~~
- ~~(2) A change in the physical location.~~

~~(c) The IDCMP shall inform the bureau in writing as soon as possible prior to a change in key personnel, such as executive director, program coordinator, and licensed or otherwise required credentialed staff.~~

(d) The IDCMP shall inform the bureau in writing ~~or via telephone~~ as soon as possible of any changes relative to the approved program that will or have the potential to disrupt service delivery.

PART He-A 504 IDCMP REQUIREMENTS

He-A 504.01 Electronic Client Record~~Web Information Technology System.~~

(a) IDCMPs ~~and IDSPs~~ shall use the electronic client record system provided by the department, called Web Information Technology System (WITS) to record, as applicable, the first contact with a client, screening data, assessment data, evaluation data, intake data, admission data, enrollment data, service provision data, billing data, and completion status data. the following data relaterequired by the bureau:

- (1) Client profile;
- (2) Intake transaction;
- (3) IDCMP care management plan;
- (4) Billing information for the state fee; and
- (5) Miscellaneous notes regarding completion, non-compliance, or non-completion for IDEPs, and IDCMPs.

(b) The department shall make available to all approved IDCMPs ~~and IDSPs~~ training on the proper use of WITS modules specifically developed for the purposes outlined in (a) above.

(c) The department shall also maintain ~~WITS~~ technical assistance for all approved providers on an ongoing basis during normal business hours, Monday through Friday.

(d) All new providers shall participate in this training to maintain their approved status.

He-A 504.02 Privacy and Confidentiality.

(a) All IDCMPs and IDSPs shall comply with the applicable privacy and confidentiality provisions in RSA 172:8-a, RSA 318-B:12, ~~42 CFR 401.105~~, 42 CFR Part 2, and the “Standards for Privacy for Individually Identifiable Health Information” (Privacy Rule), pursuant to the Administrative Simplification provisions of the Health Insurance Portability and Accountability Act of 1996 (HIPAA), 45 CFR Parts 160 and 164, Subparts A and E.

(b) All applicable program data that is associated with a particular client, or could be associated with a particular client, shall be treated as public health information, consistent with the Privacy Rule described in (a) above.

He-A 504.03 Provider Acceptance of Clients. All IDCMPs and IDSPs shall accept as a client any person without regard to race, ethnicity, religion, gender identity, sexual orientation, disability, language proficiency, ~~or need for interpreter services, or ability to pay.~~

He-A 504.04 Operational Requirements.

(a) IDCMPs shall be open to the public for a minimum of 6 hours per day, 5 days per week, which may include weekends.

(b) IDCMPs may be closed for a maximum of 2 days per week, either during weekdays or on weekends, excluding holidays.

(c) IDCMPs shall have a voicemail system which is maintained after business hours and which indicates IDCMP business hours.

(d) While the IDCMP is open to the public, there shall be an IDCMP staff member(s) available to answer telephones, respond to emails, accept walk-ins, conduct scheduled intakes, and conduct scheduled evaluations.

(e) IDCMPs shall respond to requests for service within one business day. Service requests shall be accepted by telephone, including voicemail, in person, or electronically by email or facsimile.

(f) Voicemail messages received shall be returned within one business day.

(g) An IDCMP shall hire and maintain sufficient qualified staff to provide the services required of an IDCMP and to meet the needs of clients, including at a minimum:

(1) A program director, who shall be responsible for the day-to-day operation of the IDCMP;

(2) At least one LADC or MLADC, who may also act as the program director;

~~(3) At least one IDEP instructor, certified in accordance with He A 509;~~

~~(34)~~ (34) A care manager, who shall be responsible for ensuring clients’ compliance with their service plans; and

(4) At least one IDEP instructor, who may be the same individual as (1), (2), or (3), certified in accordance with He-A 509; and

(5) Other staff as needed to provide support services, such as overnight staff for a weekend IDEP.

~~(h) There shall be no restriction on the number of roles in (g) above a particular staff may provide, provided that all roles in (g) above are met by the IDCMP.~~

(~~h~~) The IDCMP shall develop and implement policies and procedures which include, at a minimum, the following:

(1) Client rights, including at a minimum:

- a. Privacy and confidentiality in accordance with He-A 504.02;
- b. Acceptance of clients in accordance with He-A 504.03; and
- c. Client grievances;

~~(2) Regulation of weapons of any kind on the premises, as consistent with federal and state law;~~

~~(3) Prohibition of alcohol and/or other drugs on the premises;~~

~~(4) Tobacco products and smoking;~~

~~(5) Use of electronic devices such as cell phones, personal computers, and music devices;~~

~~(6) Medication policy, including the safe and secure storage of client prescription and over-the-counter medication;~~

~~(7) Emergency procedures;~~

~~(8) In-service staff training;~~

~~(9) Tardiness to an IDEP session; and~~

~~(10) Agency contingency plans for unforeseen events such as loss of key personnel such as the executive director, program coordinator, and licensed or otherwise required credentialed staff, including that the IDCMP shall notify the bureau within 14 days of such a change and provide a plan for the continuation of services without disruption to clients.~~

(~~i~~) In addition to the electronic client record maintained in the ~~WITS system~~ described in He-A 504.01, the IDCMP shall maintain a secure electronic health record (EHR), either through the state provided WITS or other EHR where they document all client contact. The IDCMP may also maintain a secure paper record for each client to include documents related to the client's services at the agency.

~~(1) Signed client consents;~~

~~(2) All documents required in He A 507.01(b)(1); and~~

~~(3) The client's signed service plan, as applicable.~~

~~(j)~~ Client records shall be maintained for a period of ~~10~~7 years from the date of the client's conviction ~~last attendance of the program~~, or the date of program completion, whichever is later.

~~— (l) Should the IDCMP cease operations, all client records shall be surrendered to the bureau or any successor agency of the department.~~

~~(m)~~ The IDCMP shall report to the bureau, within one business day, any critical incident and/or sentinel event occurring at the IDCMP. If reported by telephone and the bureau requests written notice, the IDCMP shall provide written notice of the incident.

(l) The IDCMP shall respond to all bureau requests for follow-up information regarding a critical incident or sentinel event within 48 hours of the request.

~~— (n) For the purposes of (m) above, a critical incident or sentinel event includes, but is not limited to:~~

~~(1) Any incident that requires a child or adult protective services report to be sent to the department's division for children, youth and families (DCYF) or the department's bureau of elderly and adult services (BEAS), respectively;~~

~~(2) Any sexual contact or physical assault involving an IDCMP employee or staff and a client, or any sexual contact or physical assault between clients;~~

~~(3) Any unexpected occurrence involving the death or serious physical or psychological injury, or risk thereof, to a client;~~

~~(4) Any medical emergency involving staff or a client that requires emergency medical attention, which shall include an incident that requires an emergency medical technician or other emergency personnel at the provider's location or a hospital emergency room visit;~~

~~(5) Any crime reportable to law enforcement; or~~

~~(6) Any other serious incident deemed by the IDCMP to warrant notice to the bureau.~~

He-A 504.05 Physical Environment.

(a) IDCMPs shall provide handicapped accessibility into and within the provider's buildings, in compliance with the Americans with Disabilities Act.

(b) IDCMPs shall have the following physical areas for operations:

(1) A counseling room that is private so that conversations cannot be overheard;

(2) Office and administrative space where staff can work privately with clients; ~~and/or records;~~

(3) Secure areas for the protection and confidentiality of records; and

(4) Waiting room area.

~~— (c) All areas in (b) above shall be maintained and equipped to provide a sanitary, safe, and comfortable environment, including all furnishings in good repair and the premises free of hazards.~~

~~— (d) An emergency and fire safety program shall be developed and implemented to provide for the safety of clients and staff, and emergency action steps shall be posted in conspicuous locations throughout the premises.~~

- ~~(e) If smoking is to be allowed, the IDCMP shall:~~
- ~~(1) Develop and implement smoking policies; and~~
 - ~~(2) Designate smoking areas in accordance with RSA 155:66-69, that are either an outside location or a room used only for smoking which:~~
 - ~~a. Has a dedicated ventilation system, so that smoke or odors cannot escape or be detected outside the designated smoking room;~~
 - ~~b. Has walls and furnishings constructed of non-combustible materials;~~
 - ~~c. Has metal waste receptacles and safe ashtrays; and~~
 - ~~d. Is in compliance with the requirements of RSA 155:64-77, the Indoor Smoking Act.~~

He-A 504.06 Complaints.

- (a) The department shall investigate complaints that allege a violation of He-A 500, including:
- ~~(b) The following shall not be the subject of a complaint:~~
 - (1) A positive finding after a screening or substance use disorder evaluation;
 - (2) The required elements of a service plan;
 - (3) Changes to a service plan; and
 - (4) Compliance with the required elements of a service plan.
- ~~(be)~~ The items in ~~(a)(2), and (3), and (4)~~ above may also be the subject of an appeal request to the department of safety, division of motor vehicles, pursuant to RSA 265-A:40, VI, and Saf-C 204.20.
- ~~(c)~~ When practicable, the complaint shall be in writing and contain the following information:
 - (1) The name and address of the IDCMP;
 - (2) The name, address, and telephone number of the complainant; and
 - (3) A description of the situation that supports the complaint and the alleged violation(s) of He-A 500.
- ~~(d)~~ Upon notice of a complaint, the IDCMP shall cooperate with the department's investigation by:
 - (1) Allowing department access to the IDCMP premises;
 - (2) Allowing IDCMP staff to be questioned by department representatives;
 - (3) Allowing department access to all client records and IDCMP business records at the IDCMP premises; and
 - (4) Providing the department with copies of requested documents.
- ~~(e)~~ If the investigation results in deficiencies being cited, the IDCMP shall be required to submit a plan of correction in accordance with He-A 504.08(b).

He-A 504.07 Program Compliance Monitoring.

(a) For the purpose of determining compliance with He-A 500, IDCMPs and applicants for approval shall admit and allow any department representative at any time during its hours of operation to:

- (1) ~~Inspect the IDCMP premises and any~~ Conduct an audit of records required by He-A 500;
- (2) Monitor any program or service provided by the IDCMP; and
- (3) Verify the implementation of any plan of correction (POC) accepted or issued by the department.

(b) Visits by a department representative may be scheduled or unscheduled, but shall take place during the IDCMP's hours of operation.

(c) If the department is unable to conduct program compliance monitoring on-site, the IDCMP shall allow full access to the IDCMP client records in their EHR, or upload client records to the secure site provided by the department.

~~(d)~~ Visits by a department representative shall include the review of any element in He-A 500 related to the provision of impaired driver services.

~~(e)~~ IDCMP staff shall cooperate fully with and answer all questions of department representatives regarding the provision of impaired driver services.

~~(f)~~ The department shall provide the IDCMP with a written notice of ~~any deficiencies~~ non-compliance ~~for~~ violations of He-A 500 identified ~~at the on-site visit during an audit or program monitoring.~~

He-A 504.08 Administrative Remedies.

(a) After issuing a notice of non-compliance ~~t~~The department shall impose administrative remedies for violations of He-A 500, including:

- (1) Requiring an IDCMP to submit a plan of correction (POC);
- (2) Imposing a directed POC upon an IDCMP; or
- (3) Withdrawal of an approval.

(b) A POC shall be developed and enforced in the following manner:

- (1) Upon receipt of a final report outlining the notice of deficiencies ~~non-compliance~~, the IDCMP shall submit a POC detailing:
 - a. How the IDCMP intends to correct each deficiency;
 - b. What measures will be put in place, or what system changes will be made, to ensure that the deficiency does not recur; and
 - c. The date by which each deficiency shall be corrected;
- (2) The IDCMP shall submit a POC to the department within ~~21~~ 30 calendar days of the date on the notice in (1) above;

(3) The department shall review and accept each POC that:

- a. Achieves compliance with He-A 500;
- b. Addresses all deficiencies and deficient practices as cited in the written notice described in (1) above;
- c. Prevents a new violation of He-A 500 as a result of the implementation of the POC; and
- d. Specifies the date by which the deficiencies shall be corrected;

(34) If the POC is acceptable, the department shall provide written notification of acceptance of the POC;

(45) If the POC is not acceptable:

- a. The department shall notify the IDCMP in writing of the reason for rejecting the POC;
- b. The IDCMP shall develop and submit a revised POC within 14 days of the date of the written notification from the department that states the original POC was rejected;
- c. The revised POC shall comply with (1) above; ~~and be reviewed in accordance with (3) above; and~~
- d. If the revised POC is not acceptable to the department, ~~or is not submitted within 14 days of the date of the written notification from the department that states the original POC was rejected,~~ the IDCMP shall be subject to a directed POC in accordance with (5d) below.

~~(6) The department shall verify the implementation of any POC that has been submitted and accepted by:~~

- ~~a. Reviewing materials submitted by the IDCMP;~~
- ~~b. Conducting a follow up visit; or~~
- ~~c. Reviewing compliance during the next approval period visit;~~

~~(7) Verification of the implementation of any POC shall only occur after the date of completion specified by the IDCMP in the POC; and~~

~~(8) If the POC or revised POC has not been implemented by the completion date at the time of the next visit, the IDCMP shall be issued a directed POC in accordance with (d) below.~~

(d) The department shall develop and impose a directed POC that specifies corrective actions for the IDCMP to implement when:

- (1) As a result of an ~~on-site visit~~ audit or on-site visit, deficiencies were identified that require immediate corrective action to protect the health and safety of the clients and employees or to ensure the privacy and confidentiality of clients;
- (2) A revised POC is not submitted within 14 days of the written notification from the department; or
- (3) A revised POC submitted by the IDCMP has not been accepted.

(e) The department shall verify the implementation of any POC through on going monitoring.

(f) If at the time of the next ~~on-site visit~~audit the directed POC in ~~(d) above~~ has not been implemented by the completion date stated in the directed POC, the department shall, as appropriate:

- (1) Deny ~~the~~an application for a renewal of an approval; or
- (2) Withdraw the approval in accordance with He-A 504.09(b).

He-A 504.09 ~~Enforcement~~Non-compliance Actions, Revocations and Hearings.

(a) At the time of denying an application for approval or ~~withdrawing~~revoking an approval, the department shall send to the applicant or IDCMP written notice of non-compliance that sets forth:

- (1) The action to be taken by the department;
- (2) The reason(s) for the proposed action; and
- (3) The right of an applicant or IDCMP to a hearing in accordance with He-C 200 before the ~~enforcement~~non-compliance action becomes final.

(b) The department shall deny an application or withdraw the approval of an IDCMP if:

- (1) An applicant or an IDCMP has violated provisions of He-A 500, or allowed conditions to exist, which violations or conditions have the potential to harm a client's health, safety, or well-being;
- (2) An applicant, IDCMP, or any representative or employee of the applicant or IDCMP:
 - a. Has abused, exploited, neglected, or extorted a client;
 - b. Has committed fraud;
 - c. Provides false or misleading information to the department;
 - d. Prevents or interferes, or fails to cooperate with any inspection or investigation conducted by the department; or
 - e. Fails to provide requested files or documents to the department;
- (3) The IDCMP failed to implement or continue to implement a POC that has been accepted or imposed by the department in accordance with He-A 504.08;
- (4) The IDCMP is cited a third time under He-A 500 for the same violations within the last 5 on-site visits;
- (5) The IDCMP has failed to deliver the agreed-upon services or maintain applicable provider standards; or
- (6) The IDCMP is not or ceases to be an approved ATR provider in good standing and which actively enrolls clients in the ATR program.

(c) The department shall order the immediate suspension of a certification and the cessation of operations when it finds that the health, safety, or welfare of a client is in jeopardy and requires emergency action in accordance with RSA 541:A-30.

(d) If an immediate suspension is upheld the IDCMP shall not resume operating until the department determines the applicant or IDCMP has implemented appropriate measures to insure the health, safety, or welfare of clients is no longer in danger, after a department approved plan of correction has been completed.

(e) An applicant or an IDCMP shall have 30 calendar days after receipt of the notice of enforcement/emergency revocation action to request a hearing to contest the action.

(f) If a written request for a hearing is not made pursuant to (e) above, the IDCMP shall waive its right to a hearing and the action of the department shall become final.

(g) Hearings under this section shall be conducted in accordance with RSA 541-A and He-C 200.

(h) No ongoing enforcement/non-compliance action shall preclude the imposition of any remedy available to the department under RSA 541-A:30, III, or He-A 500.

(i) When an IDCMP's approval has been denied or revoked, the IDCMP administrator shall not be eligible to reapply for an approval or be employed as an administrator of an IDCMP for at least one year.

(j) The one year period referenced in (g) above shall begin on:

(1) The date of the department's decision to withdraw or deny the approval, if no request for an administrative hearing is requested; or

(2) The date a final decision upholding the action of the department is issued, if a request for a hearing is made and a hearing is held.

(k) Notwithstanding (h) above, the department shall consider an application submitted after the decision to withdraw or deny becomes final, if the applicant demonstrates that circumstances have changed to the extent that the department now has good cause to believe that the applicant has the requisite degree of knowledge, skills and resources necessary to maintain compliance with the provisions of RSA 265-A:40 and He-A 500.

He-A 504.10 Waivers.

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

~~(1) Rectify problems unforeseen by the rules; or~~

~~(2) Assist a client in completing an IDCMP 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 community based care services or by an IDCMP program director or designee~~ 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~~ bureau determines that:
- (1) A criterion described in (a) has been met; and
 - ~~(2) Strict compliance with the procedure(s) sought to be waived does not contradict the intent of these rules; and~~
 - (2) The IDCMP has provided a valid explanation for why a waiver is necessary.
 - ~~(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) Notwithstanding (d) above:
- (1) No waiver shall be granted if the effect of the waiver would be to waive or modify any state statute, unless a waiver is expressly allowed by the statute that would be waived; and
 - (2) No waiver shall be granted if the effect of the waiver would be to waive or modify any federal requirement unless the federal statute or regulation that establishes the requirements allows for waivers.
- (f) 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.

PART He-A 505 SCHEDULE OF FEES AND CHARGES

Readopt with amendment He-A 505.01, effective 4-8-14 (Document #10564), as amended in He-A 505.01, effective 10-24-22 (Document #13472 Emergency Rule), to read as follows:

He-A 505.01 Schedule of Fees and Charges.

(a) Pursuant to RSA 265-A:40, IV, persons receiving services from an impaired driver care management program and from education or treatment programs included in the service plan shall be responsible for the fees assessed by such programs.

(b) IDCMPs shall charge a client no more than the following amounts:

- (1) Combined registration and intake fee, ~~\$10075~~, which shall be inclusive of any screening conducted;
- (2) Substance use disorder evaluation, ~~\$320200~~;
- (3) Care management, \$30 per care management contact call, no more than \$60 per month;

(4) Service plan updates, \$40 per face-to-face meeting with the client, no more than once every 60 days;

(54) Education program, including all course materials, \$300;

(65) In-person, overnight, wWeekend education program, including all course materials and room and board, \$485;

(76) Per client fee, \$70, which shall be the fee required by RSA 265-A:39, III(g), and RSA 265-A:40, VII(g), to be paid to the department by the client and which is collected by the IDCMP at intake;

(87) For each day that an IDCMP staff is required to attend a sentencing court proceeding as a result of a notice of non-compliance being sent in accordance with He-A 507.06(k), \$100 per day; and

~~(8) For individuals who choose to receive services outside New Hampshire, in accordance with He-A 506.01:~~

~~a. An out-of-state client fee of \$350 to cover the cost of intake/registration, service plan development and monitoring, electronic data systems requirements, verification of out-of-state education and clinical requirements, and completion reporting, as applicable;~~

~~b. The per client fee in (6) above; and~~

~~c. The fee in (a)(2) if the service is conducted by an IDCMP, and the fees in (a)(3) and (7) if the service is applicable to the client's service plan; and~~

(9) The transaction fee charged by a financial institution for every payment made by a client for services described in (a)(1) through (a)(8); And

(10) No-show fees for missed IDCMP appointments which shall:

a. Be set by the IDCMP;

b. Be no more than the cost of the appointment; and

c. Not apply to clients who are less than 15 minutes late to an appointment, or clients attending IDEP, who are subject to He-A 507.08(a)-(e).

(cb) Clients receiving services in the state of New Hampshire shall make payment as follows:

(1) For the intake in (ba)(1) above and for the evaluation in (ba)(2) above, clients shall make payment on the date of service delivery, unless a payment plan agreed to by the client and the IDCMP has been arranged;

(2) For care management contacts in (ba)(3) above, the IDCMP may charge the client individually for each care management contact or on a monthly basis for 2 contacts, to be payable in a manner determined by the IDCMP;

(3) For the education program in (ba)(54) above and for the weekend education program in (ba)(65) above, clients shall make payment on or before the date of the first session, unless a payment plan agreed to by the client and the IDCMP has been arranged;

(4) The per client fee in ~~(ba)(76)~~ above shall be given to the IDCMP~~paid to the department~~ by the client at the time of intake in accordance with He-A 505.03, unless the fee is waived as described in H-A 505.03(c); and

(5) ~~For~~The fees in (a)~~(87,~~ 9 & 10), clients shall be billed by the IDCMP and make payment in a manner determined by the IDCMP.

(d) Individuals who meet the requirements in He-A 506.01(a) and (b) and receive any or all services outside New Hampshire, shall be charged the following fees:

(1) An out-of-state client fee of \$200 to cover the cost of registration, verifying requirements, verification of out-of-state education and clinical requirements, and completion reporting, as applicable;

(2) The care management fees in He-A 505.01(b)(3), if applicable;

(4) The per client fee in He-A 505.01(b)(7); and

(5) Any other fees for services conducted in New Hampshire.

(e) New Hampshire residents who are convicted in another state, or individuals who were residents of New Hampshire at the time of conviction in another state, and who completed all programing out of state, shall be required to pay the fees outlined in He-A 505.01(d) to verify their completion status per He-A 506.02.

(fe) Clients who choose to receive services outside New Hampshire, ~~in accordance with He A 506.01,~~ shall make payment as follows:

(1) For the out-of-state client fee in ~~(d)(3)(a)(8)a-~~ above, clients shall make payment on the first date of service delivery, unless a payment plan agreed to by the client and the IDCMP has been arranged;

(2) For the evaluation fee in He-A 505.01(b)(2)~~(a)(2) above,~~ clients shall make payment on the date of service delivery, unless a payment plan agreed to by the client and the IDCMP has been arranged;

(3) For care management contacts in 505.01 (b)(3), the IDCMP may charge the client individually for each contact or on a monthly basis for 2 contacts, to be payable in a manner determined by the IDCMP;

(4) The per client fee in ~~(d)(4)(a)(6)~~ above shall be paid to the department by the client at the time of intake in accordance with He-A 505.03; and

(5) For any other fees in ~~(a)(7);(d)(5) above,~~ clients shall be billed by the IDCMP and make payment in a manner determined by the IDCMP.

(gd) Programs shall notify clients prior to services being rendered, in writing:

(1) What acceptable forms of payments are allowed to pay for services rendered; and

(2) What applicable transaction fees are associated with each form of payment for any fee described in ~~(ba)(1)~~ through ~~(ba)(108)~~.

(~~he~~) Clients shall be allowed to make payments for any fees for services rendered or applicable transaction fees in any manner that is an acceptable form of payment as detailed in (d)(1) above.

~~(f) IDCMPs shall provide notice to the department of any changes in fee amounts charged to clients.~~

(~~ig~~) IDCMPs shall not charge or collect from a client a fee:

(1) For any drug or alcohol testing required by the service plan. Such fees shall be paid by the client directly to the testing site;

(2) For any drug or alcohol testing conducted by an IDCMP to determine or confirm impairment at any IDCMP or IDEP component; and

(3) For any fee that is being paid for by a publicly funded program, ~~including the ATR program.~~

(j) IDCMPs shall assist clients in acquiring third parties services, such as psychiatric or peer support, when requested. Clients shall be responsible for any fees associated with these services.

Readopt with amendment He-A 505.02 and He-A 505.03, effective 1-1-13 (Document #10240), to read as follows:

He-A 505.02 Reduced Fees for Hardship.

(a) Per RSA 265-A:40, IV, clients who cannot pay for IDCMP or impaired driver treatment services may avail themselves of publicly funded programs.

(b) IDCMPs shall offer a reduced fee for hardship for IDEPs as follows:

(1) A client shall be eligible for a reduced fee if they provide documentation that indicates that they are currently receiving one of the following state or federal assistance benefits:

- a. Temporary assistance to needy families;
- b. Social Security disability;
- c. Supplemental security income;
- d. Aid to the permanently and totally disabled; or
- e. Old age assistance; and

(2) IDCMPs shall reduce the IDEP fees charged to the client by 50%; ~~and~~

~~(3) A reduced fee shall not be available to a client for whom an evaluation is required pursuant to He-A 507.03(a) and who chooses not to enroll and participate in the ATR program.~~

(c) At intake an IDCMP shall inform clients of the reduced fee options available to them and shall document such notice.

He-A 505.03 Per Client Fee.

(a) Pursuant to RSA 265-A:39, III(g), and RSA 265-A:40, VII(g), clients shall pay to the department a per client fee to cover the departmental costs for monitoring course content and program services, establishing and maintaining standards of instruction, data collection, and administrative support.

(b) The per client fee shall be \$70 per client.

(c) The per client fee shall be waived for those clients who receive a reduced fee for hardship, per He-A 505.02.

(d) The per client fee shall be paid as follows:

(1) Unless the fee is waived in accordance with (c) above, at intake, each client shall provide the IDCMP with ~~a check or money order~~ payment for the exact amount of the per client fee in (b) above. ~~made payable to "Treasurer - State of New Hampshire";~~

(2) A money order or certified check shall be required when a client has made payment to the department by check, and such check was returned for insufficient funds; and

(3) Any fee submitted to the department in the form of a check or money order and returned to the state for any reason shall be processed in accordance with RSA 6:11-a.

(e) Within ~~7~~ 14 calendar days of receiving from the client the per client fee, the IDCMP shall send to the department the ~~check or money order~~ per client fee, accompanied by a "Per Client Fee Transmittal Form" (January 202~~1~~3) which includes the client name, and the date the date the check or money order ~~payment~~ was received, and the check or money order number.

(f) Within 14 calendar days of receiving the per client fee, the IDCMP shall enter the payment information into WITS.

(g) ~~An IDCMP shall not conduct an intake if the client does not pay the per client fee.~~ unless the fee is waived in accordance with (c) above.

Readopt with amendment He-A 506.01 and He-A 506.02, effective 4-8-14 (Document #10564), to read as follows:

PART He-A 506 PROGRAM PARTICIPATION REQUIREMENTS

He-A 506.01 Requirements for Program Choice.

(a) Residents of New Hampshire shall be required to complete all impaired driver program components within the state of New Hampshire, except as follows:

(1) Residents of New Hampshire who live outside New Hampshire for at least 9 months out of a year for educational purposes may choose to complete impaired driver program components in the state in which they are attending school; and

(2) Residents of New Hampshire who are active members of the U.S. military service and who are stationed or deployed outside New Hampshire may choose to complete impaired driver program components where they are stationed or deployed.

(b) The requirements in He-A 506.02 for out-of-state residents shall apply to those individuals in (a) above who choose to complete impaired driver program components outside New Hampshire.

(c) Individuals convicted in New Hampshire who have legal residence outside New Hampshire shall have the option of completing impaired driver program components either in New Hampshire or in their state, territory, or country of residence, in accordance with He-A 506.02.

~~—(d) For those individuals who choose to complete impaired driver components in the state of New Hampshire, on line impaired driver education programs and on line treatment programs shall not be acceptable for attendance and completion.~~

He-A 506.02 Out-of-State Residents and NH Residents Charged with Impaired Driving Out-of-State.

(a) Out-of-state residents shall complete programing in New Hampshire or within their state of residence.

(b) If the out-of-state resident choses to complete programming in their state of residence, they shall register with a New Hampshire IDCMP to ensure programming in their home state meets New Hampshire requirements.

(c) A face-to-face registration shall be conducted by the IDCMP in accordance with He-A 507.01, except that a screening shall not be conducted, unless the client chooses to have it conducted in NH, rather than out-of-state.

(d) If the out-of-state resident is opting to complete the screening and/or evaluation in their state of residence, the client shall work with the registered NH IDCMP to get the documentation to the IDCMP.

(e) The New Hampshire IDCMP shall develop and manage the out-of-state resident's service plan, if applicable, and make the decision in regard to the out-of-state resident's need for a service-plan, education or treatment, based on the results of a screening and evaluation.

(f) The New Hampshire IDCMP shall ensure any treatment or education components occurring out of state are equivalent to New Hampshire programming.

(g) Once the individual completes the required components in their home state, the IDCMP shall make the determination whether or not all requirements of the service plan and other program components have been met.

(h) The IDCMP shall obtain all necessary documentation to confirm that all required components have been completed from the out-of-state entities from who the client received services.

(i) If treatment is a required component, and is occurring out-of-state, the following shall apply:

(1) The IDCMP shall:

a. Verify the treatment provider meets the criteria described in 506.02(o).

b. Develop a service plan in accordance with He-A 507.04 and based on the evaluation received from the out-of-state provider;

c. Monitor the client's compliance with the service plan in accordance with He-A 507.06; and

d. Report non-compliance with the service plan in accordance with He-A 507.06 (j);

(j) If an education program is a required component and is occurring out-of-state, the IDCMP shall obtain an education program completion report from the education provider.

(k) The IDCMP shall report completions to the sentencing court, and the NH division of motor vehicles once the out-of-state client has completed all required elements.

(l) In order to ensure that provider credentials meet applicable requirements in (m) below, a client may work with the IDCMP to verify a provider's credentials prior to the service being provided for pre-approval by the IDCMP.

(m) Out-of-state provider credentials shall be as follows:

(1) Evaluation and treatment services shall be provided by:

a. Individuals possessing an applicable international certification and reciprocity consortium (IC&RC) sanctioned license, and are receiving appropriate supervision for that license; or

b. If the client resides in a non-IC&RC state, services shall be provided by individuals who are approved by that state for the purpose of license reinstatement subsequent to an alcohol or drug DWI conviction;

(2) Impaired driver education programs shall be provided by programs which are approved by that state for the purpose of license reinstatement subsequent to an alcohol or drug DWI conviction and shall be no less than 20 hours; and

(3) On-line treatment programs and education programs shall be acceptable for out-of-state residents only if such a program is approved in their state of residence for the purpose of license reinstatement subsequent to an alcohol or drug DWI conviction.

(a) Out of state residents shall have the following program choices:

(1) Complete all impaired driver program components in New Hampshire in accordance with these rules;

(2) Complete all impaired driver program components in their state of residence; or

(3) Complete various impaired driver program components in New Hampshire and in their state of residence, as follows:

a. Intake, screening, evaluation, and care management components, including service planning and client contacts, shall be conducted in New Hampshire by an IDCMP;

b. Treatment components shall be completed in their state of residence; and

c. Education components shall be completed either in New Hampshire at an IDCMP or in their state of residence.

(b) The following shall apply to out of state residents who choose to receive services in their state of residence, as applicable:

~~(1) The out of state resident shall register with an IDCMP, as follows:~~

- ~~a. An in person or telephone intake shall be conducted by the IDCMP in accordance with He A 507.01, except that a screening shall not be conducted;~~
- ~~b. The client shall provide the IDCMP with the documentation listed in He A 507.01(b)(1); and~~
- ~~c. The client shall pay the IDCMP the applicable fees listed in He A 505.01(a)(8);~~

~~(2) If a screening is a required component, the client shall submit to the IDCMP the following documentation:~~

- ~~a. A written release of information, signed by the client;~~
- ~~b. Documentation of service provider credentials that meet the requirements in (c)(1) below; and~~
- ~~c. The results of the screening which meets the requirements in He A 507.02(b);~~

~~(3) If an evaluation is a required component, the client shall submit to the IDCMP the following documentation:~~

- ~~a. A written release of information, signed by the client;~~
- ~~b. Documentation of service provider credentials that meet the requirements in (c)(1) below; and~~
- ~~c. The results of the evaluation which meets the requirements in He A 507.03(d);~~

~~(4) If treatment is a required component, the following shall apply:~~

- ~~a. The IDCMP shall:
 - ~~1. Develop a service plan in accordance with He A 507.04 and based on the evaluation received in (3) above;~~
 - ~~2. Monitor the client's compliance with the service plan in accordance with He A 507.06, except that an IDCMP may utilize telephone contacts and other electronic means in place of required face to face contacts; and~~
 - ~~3. Report non-compliance with the service plan in accordance with He A 507.06; and~~~~
- ~~b. The client shall submit to the IDCMP the following information:
 - ~~1. A written release of information, signed by the client; and~~
 - ~~2. Documentation of service provider credentials that meet the requirements in (c)(1) and (c)(3) below;~~~~

~~(5) If an education program is a required component, the client shall submit to the IDCMP the following documentation:~~

- ~~a. A written release of information, signed by the client;~~

~~b. Documentation of service provider credentials that meet the requirements in (d)(2) below; and~~

~~c. An education program completion report;~~

~~(6) The IDCMP shall determine whether all required components have been completed and shall report such completion to the sentencing court, the division of motor vehicles, and the department; and~~

~~(7) In order to ensure that provider credentials meet applicable requirements in (c) below, a client may submit credentials to the IDCMP prior to the service being provided for pre-approval by the IDCMP.~~

~~(c) Out of state provider credentials shall be as follows:~~

~~(1) Screening, evaluation, and treatment services shall be provided by:~~

~~a. Individuals possessing an applicable IC&RC sanctioned license, and:~~

~~1. Which license allows him or her to engage in independent practice; or~~

~~2. Are supervised by an individual possessing an applicable IC&RC sanctioned license which allows the supervisor to engage in independent practice; or~~

~~b. If the client resides in a non IC&RC state, by individuals who are approved by that state for the purpose of license reinstatement subsequent to an alcohol or drug DWI conviction;~~

~~(2) Impaired driver education programs shall be provided by programs which are approved by that state for the purpose of license reinstatement subsequent to an alcohol or drug DWI conviction; and~~

~~(3) On line treatment programs and education programs shall be acceptable for out of state residents only if such a program is approved in their state of residence for the purpose of license reinstatement subsequent to an alcohol or drug DWI conviction.~~

~~(d) Reduced rates and ATR services shall not be available to out of state residents.~~

Readopt with amendment He-A 506.03 and He-A 506.04, effective 1-1-13 (Document #10240), to read as follows:

He-A 506.03 Extenuating Circumstances for Enrollment Timeframe Compliance.

(a) The timeframes established in RSA 265-A:18 for scheduling and completing screenings and evaluations shall begin the day following the client's conviction or the client's release from the county correctional facility, whichever is later.

(b) Clients shall comply with the timeframes for scheduling and completing screenings and evaluations described in RSA 265-A:18, unless one of the following extenuating circumstances apply:

(1) The client is physically, medically, or psychiatrically unable to comply due to confinement to an institution or incapacitation, as documented by a medical doctor or institution administrator;

(2) The chosen IDCMP is unable to schedule the client within the timeframe established, as documented by the IDCMP, except that, for this extenuating circumstance to apply, which:

~~a. The client shall take the next available opening; and~~

~~b. The statutory timeframe shall not be exceeded by more than 14 calendar days; or~~

(3) If, after a screening or a substance use disorder evaluation has been scheduled, the client is unable to attend due to documented reasons beyond the client's control, such as a death in the client's immediate family, a medical emergency pertaining to the client or the client's immediate family, or other factors which cause the client to not be able to keep the IDCMP appointment, and is granted an excused absence described in He-A 507.08.

~~(cb) The client-IDCMP shall be responsible for requesting approval from the department bureau of any extenuating circumstances, but an IDCMP may request approval on a client's behalf.~~

~~(de) Any approval of extenuating circumstances shall include a new required timeframe for compliance.~~

~~(d) The IDCMP shall notify the client's prosecutor of any approval of extenuating circumstances granted by the department in accordance with He-A 506.02.~~

He-A 506.04 Program Transfer.

(a) A client may voluntarily transfer to another IDCMP at any time.

(b) A client who voluntarily transfers to another IDCMP for care management shall:

(1) Begin the program anew; and

(2) Undergo a new intake and evaluation and incur all associated fees.

(c) A client who voluntarily transfers to another IDCMP for the education program shall register with the new IDCMP, without incurring any fees, aside from the education program fee.

~~(1) Undergo a new intake and incur the associated fee; and~~

~~(2) Not be required to undergo a new evaluation and not incur the associated fee.~~

~~(d) If a client is required to transfer from one IDCMP to another due to the temporary or permanent closure of the initial IDCMP, the client shall continue their services at the new IDCMP at the point in time where they left off with the initial IDCMP. The program from which the client transfers shall notify the client's prosecutor and the new program, if known, of the program transfer.~~

~~(e) The client shall not be required to pay any fees to the new IDCMPs for programming that they already completed with the initial IDCMP, unless after consultation with the clients' IDSP, the new IDCMP has a valid clinical justification for requiring any services need to be redone.~~

~~(f) If the client does not have an established IDSP, the IDCMP may consult with the agency's clinical director, and if a determination is made that any services need to be redone, the IDCMP shall request approval from the department for this to occur.~~

~~(ge) The program to which the client transfers shall notify the client's prosecutor that they have enrolled the client.~~

He-A 506.05 Convictions Which Occurred between January 1, 2013 and XXXX XX, 2023. Clients who were convicted of an impaired driving offense between January 1, 2013 and XXXX XX, 2023, who have not yet achieved license restoration, shall complete an Impaired Driver Care Management Program as described in He-A 500, effective XXXX XX, 2023, unless:

(a) The client has completed an intake with an IDCMP prior to XXXX XX, 2023; and

(b) Is not out of compliance, pursuant to He-A 507.06(j) between January 1, 2013 and XXXX XX, 2023, in which case the client shall be eligible for restoration upon completion of the requirements as set forth in He-A 506.06.

He-A 506.06 Convictions Prior to 2013.

(a) A client convicted of an impaired driving offense prior to January 1, 2013, who has not yet achieved license restoration but believes they have completed all the requirements shall have an intake appointment with an impaired driver program minus the screenings, and pay the fee in He-A 505.01(b)(1).

(b) The IDCMP shall obtain from the bureau, another agency, or program in New Hampshire, which provided impaired driver services to the client, such as the multiple offender program (MOP), a phase II program, or an impaired driver intervention program (IDEP), the following documentation, if completed and available:

(1) Completion report, or a report stating the client is eligible for license restoration;

(2) Proof of payment of all outstanding fees related to previous convictions; and

(3) A current original certified copy of the client's driver's license record from all of the following, as applicable:

a. The State of New Hampshire Division of Motor Vehicles; or

b. The state in which the client holds a driver's license, if a non-resident.

(c) All requirements set forth in He-A 507.01(h), He-A 507.03(b) and (j), and He-A 507.06(k)(1) for prosecutor notification shall not apply.

(d) If the client is not eligible for license restoration due to not completing any one component of the requirement in effect prior to 2013, or if there is no available evidence of completion, the client shall be required to contact an IDCMP and follow all requirements set forth in He-A 500, and of the sentencing court.

Readopt with amendment He-A 507 through He-A 510, effective 1-1-13 (Document #10240), to read as follows:

PART He-A 507 IMPAIRED DRIVER CARE MANAGEMENT PROGRAMS

He-A 507.01 IDCMP Intake.

(a) All individuals convicted of an impaired driving offence shall contact an IDCMP as soon as possible after conviction.

(b) There shall be an initial one-on-one intake between the client and IDCMP staff.

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

(1) Each client shall provide the IDCMP with the following documentation at the time of intake:

a. A current original certified copy of the client's driver's license record from all of the following, as applicable:

1. The State of New Hampshire department of safety, division of motor vehicles;

or

2. The state in which the client holds a driver's license, if a non-resident; ~~and~~

~~3. Any state in which the client has been arrested or convicted for an offense involving driving a motor vehicle under the influence of alcohol or other drugs;~~

b. ~~The department of safety a~~ Notice of suspension/revocation action indicating the conviction;

c. Superior or district court orders;

d. Chemical test results, if any were performed, or documentation of the client's refusal to submit to chemical tests;

e. A copy of the client's arrest report and arrest narrative relating to conviction; and

f. Documentation of proof of completion of a department-approved impaired driver education program if such a program has been completed within the past 5 years prior to the date of the client's most recent DWI conviction ~~client's latest conviction~~;

(2) Screening of first-time offenders, as described in He-A 507.02, and if screened positive for a likelihood of a substance use disorder, the scheduling of a substance use disorder evaluation shall take place, ~~which~~ The evaluation may be conducted on the same day as the intake and screening;

(3) Substance use disorder evaluation of individuals convicted of an aggravated, second, or subsequent DWI offense, which shall include the screening tools in 507.02(b).

(4) Referral to or scheduling attendance at an IDEP if the client has not provided proof of completion of a department-approved impaired driver education program within the past 5 years prior to the ~~client's conviction;~~ date of the client's most recent DWI conviction.

(5) Notice to the client of the reduced fee options available to them, pursuant to He-A 505.02, including obtaining the client's written acknowledgment that such notice has been given;

~~(6) Notice to the client of the opportunity to enroll in the ATR program, including obtaining the client's written acknowledgment that such notice has been given;~~

(7) Securing client release(s) of information; and

~~(87) Receiving from the client Payment of the per client fee described in He-A 505.03 by the client; and~~

~~(9) Entering client information into the WITS system.~~

(de) Failure to provide the documentation in (cb)(1)a., b., d., and e. above:

(1) Shall not prevent the intake process from being conducted;

(2) Shall prevent a finding from being made as a result of the screening in He-A 507.02;

(3) Shall prevent a finding from being made as a result of the evaluation in He-A 507.03 and a service plan from being written and finalized per He-A 507.03(h) until such documentation is provided; ~~and~~

~~(4) Shall prevent a completion report from being sent per He-A 507.08 until such documentation is provided.~~

(ed) Failure to provide the documentation in (cb)(1)f. above:

~~(1) Shall not prevent the intake process from being conducted; and~~

~~(2) Shall prevent a completion report from being sent per He-A 507.08 until such documentation is provided or the client completes an impaired driver education program.~~

(ef) Failure to provide the per client fee in He-A 505.01 (b)(7)-(b)(8) above shall prevent the intake from being conducted.

(fg) Notice of any subsequent scheduled appointments shall be provided to the client in writing.

(gh) For each client the IDCMP shall provide notification of the results of the screening and evaluation to the client's prosecutor and the DMV, ~~as follows:~~

~~(1) For non-aggravated, first time offenders who have screened negative, within 5 business days of the negative finding being made, the results of the screening; and~~

~~(2) For aggravated, second, or subsequent DWI offenders and for non-aggravated, first time offenders who have screened positive, within 5 business days of the evaluation resulting in a negative finding or within 5 business days of the discussion with the client of the results of the evaluation when there is a positive finding, the results of the screening and the results of the evaluation.~~

(i) At the time of intake, the IDCMP shall inform the client, in writing, of the following information, and obtain the client's written acknowledgment that such information was provided and agreed to:

(1) The rules of the program, including attendance requirements and the consequences of tardiness and unexcused absences;

(2) Expectations of both the IDCMP and the client;

(3) The requirements and procedures for completion of the program and license reinstatement;

(4) The rules contained in He-A 500 that require the client's adherence; and

(5) ~~The consequences of~~ failure to complete the program.

(j) Each client shall sign a 42 CFR Part 2 compliant release of information for each of the following:

(1) The bureau, for purposes of technical assistance, quality management, and ~~audit~~ program and oversight;

(2) Current and previous IDCMPs to communicate regarding all aspects of the client's involvement in an IDCMP, if applicable; and

(3) Any IDSPs involved with treatment related to the current offense to communicate regarding all aspects of the client's engagement and progress in treatment.

(k) Failure to sign the releases in (c) above shall prevent the intake from being completed.

(l) The IDCMP shall refer all clients to an IDEP at the time of intake, unless the client is able to produce documentation that they have attended and IDEP within the five years prior to the date of the client's intake appointment for their most recent impaired driving charge.

(m) An IDCMP shall not accept for services a client who presents with court documentation that specifies a different IDCMP. The client must attend the court-ordered IDCMP, or have the order changed by the court.

He-A 507.02 Alcohol and Drug Abuse-Use Screening.

(a) Pursuant to RSA 265-A:18, I(a)(3), non-aggravated, first-time offenders shall submit to an alcohol and drug abuse screening at the intake interview.

(b) The IDCMP shall utilize both the Behavior Data System's, "Driver Risk Inventory-II (DRI-II)" (2007 edition) and the Research Institute on Addictions Self-Inventory (RIASI) (4th edition, 2005), available as noted in Appendix A, as screening tools. ~~(See Appendix A.)~~

(c) Any IDCMP staff that has been trained in the proper administration of the tools in (b) above shall be allowed to administer those tools, and interpret and inform the client of the results, as described in (d) and (f) below.

(d) IDCMP staff shall review the results of the screening tools and the documents in He-A 507.01(c)(1) ~~(a)~~ and make a positive finding for a likelihood of a substance use disorder if any of the following is true:

- (1) The DRI-II alcohol scale score is at the 60th percentile or greater;
- (2) The DRI-II drug scale score is at the 60th percentile or greater;
- (3) The DRI-II truthfulness scale score is at the 90th percentile or greater;
- (4) The RIASI score is 10 or greater;

- (5) The client has had more than one DWI conviction in this or any other state within the past 10 years;
- (6) The client was age 21 or over and had a blood alcohol concentration (BAC) of 0.16 or higher at the time of arrest;
- (7) The client was under the age of 21 and had a BAC of 0.08 or higher at the time of arrest;
- (8) The client has a history of a substance use disorder; or
- (9) IDCMP staff determines that a positive finding for a likelihood of a substance use disorder is indicated.

(e) If screened positive for a likelihood of a substance use disorder, the client shall submit to a substance use disorder evaluation, described in He-A 507.03, to be scheduled and conducted no later than the 30th day after conviction. ~~The evaluation may be conducted on the same day as the screening.~~

(f) ~~The IDCMP shall inform the client of the results of the screening at the time of the screening, unless a finding cannot be made due to absence of required documentation in He-A 507.01(c). The evaluation may be conducted on the same day as the screening, and the IDCMP shall:~~

- (1) Inform the client that they are required to complete a substance use disorder evaluation either with the IDCMP or with the IDSP of their choice. The IDCMP shall obtain the client's written acknowledgment that such information was provided;
- (2) If the client chooses to complete the evaluation with the IDCMP, schedule the evaluation, which may be conducted on the same day as the intake and screening; and
- (3) If the client chooses to complete the evaluation with an IDSP not affiliated with the IDCMP, they shall sign a release for the exchange of information between the IDCMP and IDSP.

(g) The IDCMP shall inform the client of the results of the screening at the time of the screening, unless a finding cannot be made due to absence of required documentation in He-A 507.01(c).

He-A 507.03 Substance Use Disorder Evaluation.

(a) A substance use disorder evaluation shall be conducted face-to-face and shall be conducted for:

- (1) Individuals who have screened positive for a likelihood of a substance use disorder, pursuant to He-A 507.02; and
- (2) Individuals convicted of an aggravated, second, or subsequent DWI offense, and include screening tools used in the screening.

(b) For individuals who have screened negative for a likelihood of a substance use disorder, pursuant to He-A 507.02, but for whom new information is revealed during an IDEP session or otherwise learned by the IDCMP that indicates the appropriateness of an evaluation, the IDCMP shall require the client to submit to the evaluation and shall notify the client's prosecutor of such requirement.

(c) A substance use disorder evaluation shall be conducted by one of the following credentialed professionals trained in the proper use of the diagnostic instruments listed in (d) below:

(1) A NH LADC or MLADC;

(2) A NH licensed clinical social worker, licensed in accordance with RSA 330-A, who is also certified by the National Association of Social Workers (NASW) as a certified clinical alcohol, tobacco, and other drugs social worker (CCATODSW); ~~or~~

(3) A NH licensed psychologist with a certificate from the American Psychological Association for the treatment of alcohol and other psychoactive substance abuse disorders; or

~~(34)~~ A person who is actively working towards the NH LADC credential under appropriate supervision, ~~which means a person~~ and who meets the following requirements:

a. Has passed the IC&RC written exam within the past 2 years;

b. Has completed the following training within the past 2 years:

1. A 6-hour minimum training on ethics;

2. Training on the 12 Core Functions;

3. Training on relevant New Hampshire statutes and rules; and

4. Training on conducting substance use disorder screenings and evaluations, ~~including the Addiction Severity Index (ASI) (5th edition, 1998) (see Appendix A);~~

c. Does not have the required number of hours yet to apply for licensure but is currently working towards those hours; ~~and/or~~

d. Meets one of the following:

1. ~~Is in~~ is in at least the second year of an accredited graduate clinical program and who is serving in a clinical internship in a licensed or certified treatment facility and has completed the trainings in (3) above; or

2. Has a master's degree in a clinical field and has completed the academic requirements of the NH board of licensing for alcohol and other drug use professionals to be a NH MLADC pursuant to RSA 330-C:16, and has completed the trainings in (3) above.

(d) A substance use disorder evaluation shall include the administration and review of:

(1) An assessment tool that includes diagnostic information from the American Psychiatric Association's, "Diagnostic and Statistical Manual for Mental Disorders (DSM-5)" (5th edition, 2013) and a recommendation for a level of care based on the American Society of Addiction Medicine's (ASAM) "The ASAM Criteria", (3rd Edition, 2013) and the principles in the Substance Abuse and Mental Health Services Administration's (SAMHSA), "TAP 21: Addiction Counseling Competencies" (2017 revision), available as noted in Appendix A. The Addiction Severity Index (5th Edition, 1998), to include completion of all fields within the ASI assessment (see Appendix A);

(2) The Behavior Data System's, "Driver Risk Inventory-II (DRI-II)" (2007 edition), available as noted in Appendix A, except that clients who have already taken the DRI-II as part of a screening described in He-A 507.02 shall not be required to take the test screen again (see Appendix A);

- (3) The RIASI (4th edition, 2005), available as noted in Appendix A, except that clients who have already taken the RIASI as part of a screening described in He-A 507.02 shall not be required to take the ~~test-screen~~ again ~~(see Appendix A)~~; and
- (4) Any other diagnostic instrument the IDCMP deems appropriate.
- (e) A substance use disorder evaluation write-up shall include the following elements:
- (1) The results of the screening tools in He-A 507.03(d);
 - (2) A written biopsychosocial history of the client that addresses, at minimum, to include:
 - ~~A substance abuse history of the client;~~
 - ~~b. A legal history of the client;~~
 - ~~c. A medical history of the client;~~
 - ~~d. A substance abuse history of the client's family;~~
 - ~~e. The relevant psychiatric history of the client;~~
 - ~~f. The relevant medication history of the client;~~
 - ~~g. The client's current substance use/abuse dependency status;~~
 - ~~h. The client's history of self help attendance or involvement, if applicable; and~~
 - ~~i. The client's history of any prior treatment for alcohol or substance abuse;~~
 - (2) A summary of the client's level of participation and motivation;
 - a. Each ASAM 2013 dimension outlined in the ASAM's, "The ASAM Criteria" (3rd Edition, 2013) available as noted in Appendix A;
 - b. A determination of a positive or negative finding, as described in (f) below, except when the individual conducting the evaluation is working toward their LADC or MLADC as in (c)(4) above, in which case their supervisor must make the final determination of a positive or negative finding;
 - c. A substance use disorder DSM-5 diagnosis, available as noted in Appendix A, if applicable, and treatment recommendations including level of care recommendations outlined in the ASAM's, "The ASAM Criteria" (3rd Edition, 2013) available as noted in Appendix A, pursuant to He-A 507.03(d)(1); and
 - d. Any other service recommendations.
 - (3) An identification and results summary of all diagnostic instruments utilized in the course of conducting the evaluation; and
 - (4) A determination of a positive or negative finding, as described in (f), (g), and (i) below, except that a person in (e)(3) above shall not be allowed to make this determination.
- (3) A positive finding that a service plan shall be required if any of the following exists:
- a. The client has had more than one DWI conviction or was required to attend an impaired driver program in this or any other state within the past 10 years per RSA 265-A;

b. The client was age 21 or over and had a BAC of 0.16 or higher at the time of arrest;

c. The client was under the age of 21 and had a BAC of 0.08 or higher at the time of arrest;

d. The client meets diagnostic criteria for a current substance use disorder in accordance with the American Psychiatric Association's, "Diagnostic and Statistical Manual for Mental Disorders (DSM-5)" (5th edition, 2013), available as noted in Appendix A; or

e. The evaluator has any other clinically justifiable reason for determining a positive finding, which must be document by the evaluator.

(f) If there is determined to be a positive finding, the IDCMP shall, either at the time of the evaluation or at a scheduled follow-up meeting conducted within 14 calendar days following completion of the evaluation:

(1) Develop an individualized service plan as described in He-A 507.04, based on recommendations in the evaluation;

(2) Meet with the client to discuss, at minimum:

a. The results of the diagnostic instruments in (d) above and the interpretation of the client's scores;

b. The service plan requirements;

c. The right to request a hearing with the DMV to rebut the service plan requirements, in accordance with RSA 265-A:40, VI and Saf-C 204.20; and

d. Referral to treatment and recovery support providers, including, pursuant to RSA 265-A:40, VII, the client's option to receive services from the same IDSP that conducted the evaluation, pursuant to RSA 265-A:40, VII, and the requirements thereof. The client shall choose an IDSP, either at this meeting or by notifying the IDCMP of the choice by the date specified in the service plan;

(3) Provide the client with written copies of the information in (2) above;

(4) Obtain the client's written acknowledgment that written copies of the information in (2) above have been provided; and

(5) Obtain the client's dated signature on the service plan, or an indication of the client's refusal to sign and agree to the service plan. The reason for refusal must be documented.

(g) The IDCMP shall issue a negative finding for a substance use disorder if none of the factors described in (e) or (f) exists.

(h) The IDCMP shall notify the client's prosecutor:

(1) If the client described in (a)(1) above does not complete the evaluation within 30 days of conviction pursuant to RSA 265-A:18, I(a)(3); and

(2) If the client described in (a)(2) above who has scheduled an evaluation does not complete the evaluation within the statutory timeframes in RSA 265-A.

~~— (f) The IDCMP shall issue a positive finding for a substance use disorder if any of the following exists:~~

~~(1) The DRI II alcohol scale score is at the 60th percentile or greater;~~

~~(2) The DRI II drug scale score is at the 60th percentile or greater;~~

~~(3) The DRI II truthfulness scale score is at the 90th percentile or greater;~~

~~(4) The RIASI score is 10 or greater;~~

~~(5) The client has had more than one DWI conviction in this or any other state within the past 10 years;~~

~~(6) The client was age 21 or over and had a BAC of 0.16 or higher at the time of arrest;~~

~~(7) The client was under the age of 21 and had a BAC of 0.08 or higher at the time of arrest; or~~

~~(8) The client meets diagnostic criteria for a substance use disorder in accordance with the Diagnostic and Statistical Manual for Mental Disorders (DSM) until DSM 5 (5th edition) supersedes DSM IV TR (4th edition) in 2013, after which the criteria shall be in accordance with DSM 5 (see Appendix A).~~

~~— (g) The IDCMP shall also issue a positive finding if none of the factors in (f) exists but the IDCMP determines that a positive finding is clinically indicated.~~

~~— (h) If there is a positive finding, the IDCMP shall, either at the time of the evaluation or at a scheduled follow up meeting conducted within 14 calendar days following completion of the evaluation:~~

~~(1) Develop an individualized service plan as described in He A 507.04;~~

~~(2) Meet with the client to discuss:~~

~~a. The results of the diagnostic instruments in (d) above and the interpretation of the client's scores;~~

~~b. The evaluator's assessment of the client's involvement with alcohol and other drugs;~~

~~c. The service plan requirements;~~

~~d. The right to request a hearing with the DMV to rebut the service plan requirements, in accordance with RSA 265-A:40, VI, and Saf C 204.20; and~~

~~e. Referral to approved treatment and recovery support providers, including, pursuant to RSA 265-A:40, VII, the client's option to receive services from the same IDCMP that conducted the evaluation and the requirements thereof;~~

~~(3) Provide the client with written copies of the information in (2) above;~~

~~(4) Obtain the client's written acknowledgment that written copies of the information in (2) above have been provided; and~~

~~(5) Obtain the client's dated signature on the service plan, or an indication of the client's refusal to sign and agree to the service plan.~~

~~(i) The IDCMP shall issue a negative finding for a substance use disorder if none of the factors described in (f) or (g) exists.~~

~~(j) If there is a negative finding, the IDCMP shall contact the client to cancel the follow up meeting described in (h) above, if one was scheduled.~~

~~(k) The IDCMP shall enter the client's evaluation information into WITS.~~

~~(l) The IDCMP shall notify the client's prosecutor of the results of the evaluation within 5 business days of discussing the results of the evaluation with the client.~~

~~(m) The IDCMP shall also notify the client's prosecutor:~~

~~(1) If the client described in (a)(1) above does not complete the evaluation within 30 days of conviction pursuant to RSA 265-A:18, I(a)(3); and~~

~~(2) If the client described in (a)(2) above who has scheduled an evaluation does not complete the evaluation within the statutory timeframes in RSA 265-A.~~

He-A 507.04 Service Plan Development.

(a) Within 14 days of the evaluation, ~~The IDCMP shall develop and discuss, update, and maintain an individual service plan for treatment and recovery for with each client for whom a positive finding is issued in accordance with He-A 507.03(f)-(g), based on the evaluation's recommendations.~~

(b) Care management phone calls shall be part of the service plan, and shall begin once the service plan is signed by the client. Care management calls are for the purpose of evaluating the status of the client's service plan, and providing the client with support and resources, as applicable.

(c) The types, duration, and frequency of services may be updated or changed once the client has begun receiving treatment services, and after consultation between the IDCMP and the IDSP.

~~(b) The service plan shall be developed and discussed with the client within 14 calendar days following completion of the substance use disorder evaluation.~~

~~(d)~~ (e) Individual service plans shall be developed with the client, and in a way that acknowledges the client's:

- (1) Cultural sensitivities;
- (2) Education level;
- (3) Reading ability;
- (4) Language comprehension; and
- (5) Cognitive ability.

(~~ce~~) Individual service plans shall contain, at a minimum, the following elements:

- (1) The types and frequencies of required or recommended treatment and recovery services, or other supportive services; to be provided;
- (2) The required timeframe for starting treatment and recovery services, which shall be no later than 30 days after the service plan requirements are discussed with the client;
- ~~(3) Referrals for recommended services that are not provided directly by an approved IDSP;~~
- ~~(34) The schedule of required care contact management calls, which shall be conducted on dates and at times that are mutually agreed to by both the IDCMP and the client;~~
- ~~(45) Any required drug or alcohol testing as ordered by the court or as indicated by the IDCMP as a result of the evaluation;~~
- ~~(56) An abstinence monitoring regimen as ordered by the court or if clinically indicated as a result of the evaluation, as applicable;~~
- ~~(67) Completion of an IDEP if the client has not provided documentation of proof of completion of a department-approved impaired driver intervention program within the past 5 years prior to the client's latest conviction most recent DWI conviction;~~
- ~~(8) The consequences of not complying with any of the service plan requirements;~~
- ~~(98) Documentation of the client's participation in the service planning process or the The reason why the client did not participate in the service plan development, if applicable;~~
- ~~(109) Dated signature of the IDCMP clinical staff; evaluator; and~~
- ~~(10+) Dated signature of the client, or an indication of the client's refusal to sign and agree to the service plan.~~

(~~fe~~) The IDCMP shall consider, and incorporate as necessary, any aftercare requirements not completed from previous impaired driver convictions when developing the service plan for the most recent impaired driver conviction.

~~(f) The types of clinical services required by the service plan shall be based on a level of care recommendation in accordance with the American Society of Addiction Medicine (ASAM) Patient Placement Criteria for the Treatment of Substance-Related Disorders, Second Edition Revised (May 5, 2007). (See Appendix A.)~~

~~(g) A recommendation for engagement with community based support groups may be included in the IDSP's treatment plan; however, a specific modality of community based support may not be required.~~

~~(h) For each client the service plan shall be reviewed and updated as follows at least every 60 days, based on consultation with the IDSP. Consultation between the IDCMP and IDSP shall occur, at minimum, once per month:~~

- ~~(1) The review shall document the degree to which the client is meeting service plan requirements;~~

(2) The service plan shall be updated as necessary during the course of treatment based on recommendations from the IDSP;

(3) Any changes to the service plan shall be signed by the client or the service plan shall indicate the client's refusal to sign and agree to the changes in the service plan.

(i) The IDCMP may charge the client the fee **as provided in He-A 505.01(b)(7)** when meeting with them face-to-face to update the service plan. This fee may be charged no more than once every 30 days, regardless of how many times the service plan is updated.

(j) A client may request a hearing with the Department of Safety, pursuant to RSA 265-A:40, VI, and Saf-C 204.20, in order to **challenge** the requirements of the service plan or any changes made to the service plan.

~~— (g) The following minimum duration of counseling and number of clinical sessions shall be required by each service plan:~~

-

~~(1) For first time offenders, a minimum of 6 to 10 counseling sessions shall be required with no more than one individual session and/or one group session weekly for 6 to 10 consecutive weeks;~~

-

~~(2) For second offenders:~~

-

~~a. A minimum of 6 months of counseling and a minimum of 20 counseling sessions shall be required with no more than one individual session and/or one group session weekly for 20 or more consecutive weeks; or~~

-

~~b. Completion of an intensive outpatient program shall be required;~~

-

~~(3) For third offenders:~~

-

~~a. Completion of an intensive outpatient program shall be required;~~

-

~~b. Followed by a minimum of 3 months of counseling at a minimum of 2 times per month; and~~

-

~~c. The requirements in a. and b. above shall not be met concurrently; and~~

-

~~(4) For fourth or subsequent offenses:~~

-

~~a. Completion of an intensive outpatient program shall be required;~~

-

~~b. Followed by a minimum of 6 months of counseling at a minimum of 2 times per month; and~~

-

~~c. The requirements in a. and b. above shall not be met concurrently.~~

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~~— (h) The IDCMP may increase the minimum number of months and clinical sessions described in (g) above if the substance use disorder evaluation provides additional clinically significant information, or if there is information related to legal history and other factors, that indicates the need for a greater duration of treatment or an additional number of sessions.~~

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~~— (i) IDCMPs may include in a client's service plan a recommendation for, but shall not require, the client to participate nor make participation a requirement of program completion, in any 12-step program~~

~~or any type of religious or spiritual based program if the client raises any objection at any time to participating in such a program.~~

~~— (j) For each client the service plan shall be reviewed and updated as follows:~~

~~(1) The service plan shall be reviewed at least every 60 days;~~

~~(2) The review shall document the degree to which the client is meeting treatment, personal, and recovery goals;~~

~~(3) The service plan shall be updated as necessary during the course of treatment to reflect the client's progress; and~~

~~(4) Any changes to the service plan shall be signed by the client or the service plan shall indicate the client's refusal to sign and agree to the changes in the service plan.~~

~~— (k) A client may request a hearing with the department of safety, pursuant to RSA 265-A:40, VI, and Saf C 204.20, in order to rebut the requirements of the service plan or any changes made to the service plan.~~

He-A 507.05 Drug and Alcohol Testing.

(a) Pursuant to RSA 265-A:40, II(g), the IDCMP shall be responsible for the administration of drug and alcohol testing required by the court or included in the service plan.

(b) An IDCMP shall administer drug or alcohol testing by requiring that sample collection and testing be conducted at a Clinical Laboratory Improvement Amendments (CLIA)-approved testing laboratory.

(c) An IDCMP shall not require drug or alcohol testing to be conducted by an IDSP.

(d) The following types of drug or alcohol testing may be included in a client's service plan:

(1) Any testing required by the sentencing court; and

(2) Testing of a client's urine.

(e) A service plan shall not require testing of a client's blood unless required by the sentencing court.

(f) The frequency of alcohol or drug testing required by the service plan, except for testing required by the sentencing court, shall be no more than once per month, except that a second test may be ordered in a month if the test comes back positive.

(g) Clients shall be responsible for the cost of sample collection and testing done at an outside testing site.

(h) There shall be no conflict of interest between an IDCMP and an outside testing site.

He-A 507.06 Service Plan Monitoring and Compliance.

(a) The IDCMP shall monitor the client's compliance with the service plan.

(b) For each client with a service plan, the IDCMP shall ~~conduct~~ have direct client contacts, at least twice per month, to monitor the client's progress in regard to their service plan, and to address any barriers and other additional needs.

(c) Direct client contacts shall:

(1) Be either face-to-face or via telephone, or email, but there shall be at least one telephone contact per month, and one face-to-face contact during the length of the service plan, and not including the face-to-face contact made during the initial service plan development;

~~(2) Be a minimum duration of 15 minutes; and~~

~~(3) Be documented in the client's record, including the subject(s) of discussion; and-~~

~~(3) The IDCMP shall speak directly to the client for it to be considered a completed phone contact, voicemail does not qualify as direct contact.~~

~~(d) A service plan review with a client shall not be considered a client contact.~~

~~(de)~~ The IDCMP shall not charge a client for more than 2 client contacts per month, regardless of how many contacts are conducted.

~~(e) A minimum of 2 attempts to reach the client shall be made for each care management contact.~~

(f) The IDCMP shall monitor the client's treatment and recovery progress by maintaining contact with the client's IDSP as follows:

(1) The IDCMP shall review the ~~client's treatment plan and~~ monthly progress reports submitted by the client's IDSP in accordance with He-A 510.132~~(ag)~~(1) ~~and (g)(3)~~;

(2) If monthly progress reports are not received, the IDCMP shall:

a. Directly contact the client's IDSP for updates on the client's progress; and

b. Notify the bureau that progress reports are not being submitted; and

(3) The IDCMP shall provide to the IDSP any new information about the client deemed relevant to the client's service plan.

(g) The IDCMP shall not charge the client for any contact with the client's IDSP.

(h) If the IDCMP believes that an IDSP's treatment plans or progress reports are of poor quality, the IDCMP shall notify the bureau.

(i) If information is disclosed by the IDSP that has a negative effect on the client's progress, the IDCMP shall determine whether the client is in compliance with their service plan.

(j) Each of the following shall constitute non-compliance with the service plan, thus requiring a notice of non-compliance to be sent in accordance with (k) below:

(1) The client does not start receiving treatment or recovery services within the timeframe established in He-A 507.045~~(e)~~(2);

(2) The client has an unexcused absence from more than one scheduled treatment or recovery appointment within any 30 day period;

- (3) The client misses more than one scheduled client contact in any 30 day period;
- (4) The client is impaired as a result of being under the influence of alcohol, any illicit substance, or any non-prescribed or over-the-counter medication at any treatment or recovery appointment or at any IDEP session, as confirmed and documented by a drug or alcohol screening;
- (5) The client is presumed 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 at any treatment or recovery appointment or at any IDEP session and refuses to submit to drug or alcohol screening;
- (6) Abstinence is required by the court and the client is not abstinent;
- (7) ~~If a~~ Abstinence is required by the IDCMP in the service plan, the client is not abstinent, and the IDCMP determines, after consultation with the client's IDSP, that the client's non-abstinence should be reported as non-compliance with the service plan; and
- (8) The court or the service plan requires abstinence and drug or alcohol testing ~~to confirm abstinence,~~ and the client either refuses to submit to drug or alcohol testing ~~or any testing conducted indicates drug or alcohol use.~~

(k) If the IDCMP determines that the client is not in compliance with the service plan, the IDCMP shall:

- (1) Notify the sentencing court, the client's prosecutor, the DMV, and the bureau of such non-compliance; and
- (2) Notify the client in writing that notice of non-compliance has been submitted.

(l) If, within 6 months of a notice of non-compliance being sent in accordance with (k) above, a client begins, continues, or returns to treatment and/or recovery, as applicable, the IDCMP shall review the existing service plan, revise the service plan as necessary, require the client to comply with the revised service plan, and not charge the client an additional fee.

(m) If a client does not begin, continue, or return to treatment and/or recovery within 6 months of a notice of non-compliance being sent in accordance with (k) above, the client shall submit to a new substance use disorder evaluation, at the client's expense, and a new service plan shall be developed before treatment and recovery can commence.

(n) If an IDCMP staff is subpoenaed or otherwise required to attend a sentencing court proceeding as a result of a notice of non-compliance being sent in accordance with (k) above, the IDCMP may charge the client a fee of up to \$100 per day that the IDCMP staff is required to attend a court proceeding.

He-A 507.07 Service Plan IDCMP Completion.

(a) The IDCMP shall send a written completion report to the sentencing court and the DMV, and shall enter into the state provided electronic records system, within three business days of any of the following:

(1) The client has screened negative for a likelihood of a substance use disorder, the client does not require a full substance use disorder evaluation, and the client has completed an impaired driver education program, and the client has paid all fees required by He-A 500;

(2) The client has been issued a negative finding after a full substance use disorder evaluation, and the client has completed an impaired driver education program, and the client has paid all fees required by He-A 500; or

(3) The client has been issued a positive finding after a full substance use disorder evaluation, the client has adhered to all requirements of the service plan, the client has completed an impaired driver education program, and the client has paid all fees required by He-A 500.

(b) For it to be considered complete, the completion of an IDEP described in (a) above shall be within the 5 years prior to the date of the client's most recent DWI conviction.

(c) The IDCMP shall send the completion report within 3 business days of the conditions in He-A 507.07 (a)(1)-(3).

(d) The IDCMP may continue to make care calls after the conditions in He-A 507.07 (a)(1)-(3) are met however, they shall not charge a fee for doing so.

(e) An IDCMP shall inform clients that they shall not be eligible for license restoration until, at a minimum, a completion report described in (a) above is sent and all outstanding fees owed to impaired driver programs and service providers, and the state of New Hampshire related to previous convictions have been paid in full.

~~(a) Upon receipt of a client's IDSP service plan completion report, pursuant to He A 510.13(k), the IDCMP shall review the report and determine if the client has complied with all of the requirements of the service plan, pursuant to RSA 265-A:40, V.~~

~~— (b) If the IDCMP does not agree with the IDSP completion determination, the IDCMP shall contact the IDSP and request additional information that justifies the client's completion.~~

~~— (c) Upon receipt of additional information in (b) above, if the IDCMP still does not agree with the IDSP completion determination, the IDCMP shall:~~

~~(1) Require compliance with the established service plan;~~

~~(2) Work with the IDSP and the client to make changes to the established service plan and then require compliance with the updated service plan; or~~

~~(3) Absent compliance with either (1) or (2) above, notify the sentencing court, the client's prosecutor, the DMV, the client, and the bureau in writing of the client's non-compliance with the service plan.~~

~~He A 507.08 Program Completion.~~

~~— (a) The IDCMP shall send a written completion report to the sentencing court, the DMV, and the bureau within 5 business days of any of the following:~~

~~(1) The client has screened negative for a likelihood of a substance use disorder, the client does not require a full substance use disorder evaluation, the client has completed an impaired driver education program, and the client has paid all fees required by He A 500;~~

~~(2) The client has been issued a negative finding after a full substance use disorder evaluation, the client has completed an impaired driver education program, and the client has paid all fees required by He A 500; or~~

~~(3) The client has been issued a positive finding after a full substance use disorder evaluation, the client has complied with all requirements of the client's service plan, the client has completed an impaired driver education program, and the client has paid all fees required by He A 500.~~

~~— (b) An IDCMP shall inform clients that they shall not be eligible for license restoration until a completion report described in (a) above is sent and until all outstanding fees owed to impaired driver programs and service providers, courts, and the state of New Hampshire related to previous convictions have been paid in full.~~

He-A 507.089 Absence from a Scheduled IDCMP Component.

(a) An excused absence from any scheduled IDCMP component, ~~including IDEP sessions,~~ shall be granted only for:

(1) A documented emergency situation beyond the client's control, consisting of one of the following:

a. A death in the client's immediate family; or

b. A medical emergency pertaining to the client or the client's immediate family, which prevents attendance; or

(2) Unforeseen ~~f~~ factors that cause the IDCMP to not be able to keep the scheduled appointment.

(b) An IDCMP shall not charge the client for an excused absence.

(c) Except for an IDEP session described in He-A 508.07(d), ~~A~~an IDCMP may charge the client up to the full amount for an IDCMP component that is missed due to an unexcused absence, provided that the client has been notified in writing of the scheduled appointment or session.

(d) The IDCMP shall not allow a client to attend programing if the client is impaired ~~client shall not be under the influence of~~ due to any substance, alcohol, any illicit substance, or any non-prescribed or over-the-counter medication during attendance at any IDCMP component, including IDEP sessions.

(e) 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 IDCMP shall:

(1) Not allow the client to continue with the scheduled appointment or session;

(2) Consider such an absence to be unexcused;

(3) Document the circumstances of the impairment and the absence in the client's record, including the results of any drug or alcohol screening conducted to determine or confirm impairment; ~~and.~~

~~(4) Provide notice as required by He-A 507.07(k).~~

PART He-A 508 IMPAIRED DRIVER EDUCATION PROGRAMS

He-A 508.01 IDEP General Requirements.

~~(a) IDEP classrooms shall:~~

~~(1) Be maintained at a temperature not less than 65 degrees Fahrenheit and not more than 75 degrees Fahrenheit. If the room is not within those limits, immediate action shall be taken to remedy the situation;~~

~~(2) Be adequately lit so that clients can easily read presented materials and write assignments;~~

~~(3) Have adequate seating, so that clients can see the instructor, any visual aids used, and other clients in the classroom;~~

~~(4) Be equipped with tables for clients when writing is necessary; and~~

~~(5) Have access to a minimum of one bathroom including hand washing facilities.~~

~~(a)~~ All IDEPs must be part of an IDCMP.

(b) A non-weekend IDEP shall not provide overnight accommodations to clients.

(c) The following shall apply to in-person, overnight, weekend IDEPs:

(1) A weekend IDEP shall provide room and board;

(2) A staff person shall be in the building and accessible to clients at all times during the weekend program; and

(3) Separate showering and sleeping quarters shall be maintained for male and female clients attending the weekend program.

He-A 508.02 IDEP Scheduling Requirements.

(a) Each IDEP shall conduct regularly scheduled sessions to ensure course completion on a timely basis for all clients.

(b) A non-weekend IDEP shall provide, at a minimum, 20 hours of evidence-based educational curriculum, the general schedule for which shall be approved by the bureau. Each cycle shall last no longer than 4 weeks, provided in accordance with one of the following options:

(1) A schedule of 3 sessions on 3 consecutive Saturdays or Sundays that shall be uniform in length; or

(2) 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 that be uniform in length.

(c) Educational sessions may in-person or virtually face-to-face, and shall include at least one educational cycle that is in-person every 3 months.

(db) Each IDEP shall run a minimum of one educational cycle each month, unless the minimum number of clients is not met, in which case the IDEP shall inform clients of about other IDEPs that may be able to schedule the client sooner.

(e) A weekend IDEP shall provide, at a minimum, 20 hours of evidence-based educational curriculum, conducted over a single weekend, starting on a Friday and ending on the following Sunday.

~~(c) A non weekend IDEP shall provide, at a minimum, 20 hours of evidence based educational curriculum, provided in accordance with one of the following options:~~

~~(1) A schedule of 4, 5, or 6 sessions, which shall be uniform in length;~~

~~(2) A schedule of 4 sessions on 2 consecutive weekends with sessions, which shall be uniform in length, on either:~~

~~a. Both Saturdays and Sundays; or~~

~~b. Both Fridays and Saturdays;~~

~~(3) A schedule of 3 sessions on 3 consecutive Saturdays or Sundays, which shall be uniform in length; or~~

~~(4) 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.~~

~~(d) A weekend IDEP shall provide, at a minimum, 20 hours of evidence based educational curriculum, conducted over a single weekend, starting on a Friday and ending on the following Sunday.~~

He-A 508.03 Section Size.

(a) The minimum section size shall be 6 clients.

(b) The maximum section size shall be 15 clients.

He-A 508.04 IDEP Curriculum.

(a) In order for a curriculum to be considered evidence-based, as required by RSA 265-A:39, II, it shall meet one of the following requirements:

~~(1) It shall be included in SAMHSA's National Registry of Evidence-based Programs and Practices (NREPP);~~

~~(1z) It shall have been published in a peer-reviewed journal and have been found to have positive effects; or~~

(23) The IDCMP or applicant shall provide documentation of the curriculum's effectiveness based on the following:

- a. The curriculum is based on a theoretical perspective that has validated research; or
- b. The curriculum is supported by a documented body of knowledge generated from similar or related curricula that indicate effectiveness.

(b) An IDEP 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, including attendance requirements and the consequences of tardiness and unexcused absences;
- (2) Expectations of both the provider and the client;
- (3) The current NH DWI laws and the requirements and procedures for completion of the IDEP and license reinstatement;
- (4) The rules contained in He-A 500 that require the client's compliance; and
- (5) What failure to complete the program means.

(c) IDEPs shall provide clients with written copies of the information in (a) above, including obtaining clients' written acknowledgment that such information was provided and that they agree to comply ~~to~~with the program's rules.

(d) An IDEP or weekend IDEP shall offer sessions featuring group discussions regarding:

- (1) Physiological and medical effects of toxic substances on the body;
- (2) Psychosocial effects of substance use, focusing on consumption;
- (3) Identification of substance use 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 use on the family; ~~and~~
- (6) Social and personal attitudes toward substance use; ~~and~~
- (7) The effects of substance use on employment; and
- (8) Available treatment options.

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

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

~~(g) At least one group session shall discuss:~~

- ~~(1) The effects of substance use on employment; and~~
- ~~(2) Available treatment options.~~

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

He-A 508.05 Documentation and Notice of New Information.

(a) Upon completion of the course, the IDEP instructor shall complete a summary on each client in attendance.

(b) Each client summary 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 use of alcohol and other drugs.

(c) If new information is revealed during an IDEP session or otherwise learned by the IDEP which indicates the appropriateness of a substance use disorder evaluation should one have not been previously conducted, the IDEP instructor shall notify the IDCMP.

He-A 508.06 Films and Resource Materials.

(a) IDEPs shall use only those films and resource materials approved by the department in accordance with (c) below.

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

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

- (1) Does not conflict with any part of He-A 500;
- (2) Is directly relevant to course or program requirements found in He-A 500; and
- (3) Clarifies or enhances an aspect of the program consistent with He-A 500.

He-A 508.07 IDEP Attendance and Completion Requirements.

(a) Pursuant to RSA 265-A:42, I, a client shall have completed an IDEP if he or she has:

- (1) Completed attendance at all class sessions, with active participation in discussions and assessments, and completion of exercises, tests, and all required forms; and
- (2) Made payment in full of all assessed fees.

(b) Clients who have an unexcused absence from a session shall be required to start the program anew and pay the entire fee again.

(c) Clients who have an excused absence from a session, as described in He-A 507.08(a)(1), He-A 507.08 (a)(2), and He-A 507.08(b) He-A 507.09(a), shall be required to make up only that missed session and shall not be required to pay an additional fee.

(d) If a client is late to a session, the following shall apply:

~~(1) The IDCMP shall determine whether or not to allow the client to participate in the session; and not allow the client to participate if they are more than 15 minutes late for any IDEP session.~~

~~(2) If the client is more than 15 minutes late the IDEP may:~~

~~(2) If the client is not allowed to participate in the session, the IDCMP shall:~~

a. Require the client to restart the program beginning with the missed session; and

b. Charge the client an additional fee of no more than 50% of the original IDEP fee, regardless of which session the client restarts.

~~— (e) If, during the intake interview, the client reveals that he or she is currently taking a mood-altering medication under a physician's direction, or if, during the course of an IDEP session, 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.~~

~~— (f) If the physician's assessment in (e) above indicates that the client is unable to participate in the program, the client shall not be allowed to enter or continue the program until such time as he or she obtains medical clearance, at which point the client shall enter the program or begin the program anew at a scheduled first session. The client shall either be refunded the IDEP program fee or not be charged an additional fee to begin the program anew.~~

PART He-A 509 IMPAIRED DRIVER EDUCATION PROGRAM INSTRUCTOR CERTIFICATION

He-A 509.01 Certification Required.

(a) No person shall facilitate an IDEP session unless he or she is certified as an IDEP instructor in accordance with He-A 509.

(b) The IDCMP shall ensure that instructor certification is valid prior to allowing the instructor to conduct an IDEP session.

He-A 509.02 Minimum Qualifications for Certification. To qualify for certification as an IDEP instructor, the applicant shall ~~either~~ meet the following requirements:

(a) Document a minimum of one year's full-time work experience in the field of education, social sciences, or substance use disorders.

(b) Have one year's full-time work experience in group counseling or otherwise formal group activities facilitation.

(c) Document, within the past 3 years, 48 hours of education or training outlined in (3) below. Such education or training shall be approved by:

- (1) NH Training Institute on Addictive Disorders;
- (2) NAADAC, The Association for Addiction Professionals;
- (3) New England Institute of Addiction Studies;
- (4) New England Addiction Technology Transfer Center; or
- (5) The NH board of licensing for alcohol and other drug use professionals in RSA 330-C.

(d) The education and training required by (c) above shall be relevant to providing impaired driver services education, including, at a minimum:

- (1) A 6-hour minimum training on ethics;
- (2) Training on the 12 Core Functions of Substance Use Counselors; and
- (3) Training on relevant New Hampshire statutes and rules.

(e) Not more than 24 hours of the education and training required by (c) above may be substituted for individuals who document 40 hours of co-facilitation in an IDEP class with a certified instructor, verified by the signature of the IDCMP program director and hold at least a high school diploma or HiSET.

~~(a) Meet the following requirements:~~

- ~~(1) Possess a valid New Hampshire LADC or MLADC 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 full time experience, which shall be 35 hours per week, in the field of education, social sciences training, or substance abuse and group counseling or otherwise formal group activities facilitation;~~
- ~~(2) Document, within the past 3 years, 48 hours of education or training, of which no more than 10 hours shall be done online, which has been approved by the NH board of licensing for alcohol and other drug use professionals in RSA 330-C, in relevant impaired driver services education, including, at a minimum, the topics of NH impaired driver laws, ethics, and confidentiality;~~
- ~~(3) Up to 24 hours of the education and training required by (2) above may be substituted for individuals who document 40 hours of co-facilitation in an IDEP class with a certified instructor, verified by the signature of the IDCMP program director; and~~
- ~~(4) Hold at least a high school diploma or GED.~~

He-A 509.03 Certification Procedure.

(a) Each applicant for instructor certification shall submit the following to the ~~department~~bureau:

(1) A complete “IDEP Instructor Certification Application” (~~November 2012~~December 2022);

(2) A copy of the applicant’s:

a. High school diploma and/or transcript;

b. ~~GED~~HiSET; or

c. Any advanced degree diploma or transcript;

(3) A current résumé;

(4) A letter from the ~~director of supervisor of other similar programs, programing -as~~ described in He-A 509.02 ~~(a)(1b)(2)~~, documenting experience with, and knowledge of those similar programs; ~~and~~

(5) Verification of the co-facilitation hours in He-A 509.02 (a)(1) above if applicable;

(6) Verification of the experience with and knowledge of similar programs He-A 509.02 (a)(1) above; and

(7) Evidence of training and education required in (3) above, including a certificate of training or a letter of attendance from the course leader which includes the following:

a. The course titles;

b. The sponsoring agencies;

c. The dates of attendance; and

d. The number of course hours related to substance use.

~~(5) Any documentation that may be counted toward the required education and experience, if applicable.~~

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

~~(c)~~ (e) If the applicant meets the minimum qualifications listed in He-A 509.02, the department shall issue a certificate.

~~(c)~~ If the applicant does not meet the minimum qualifications listed in He-A 509.02, the department shall deny the application.

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

(ef) ~~IDEPs-IDCMPs~~ may adopt their own certification and recertification standards that exceed minimum certification and recertification requirements as described in He-A 509.

He-A 509.04 Certification Period. A certificate for instructor certification shall expire after 3 years on the last day of the month it was issued unless a completed application for renewal has been timely received by the department. This shall not be the case if certification is revoked prior to the end of the 3-year period pursuant to He-A 509.06.
~~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 509.06.~~

He-A 509.05 Recertification.

(a) For an instructor to be recertified, they shall have obtained during the current certification period at least 48 hours of education or training, in relevant impaired driver services education, including, at a minimum, the topics of substance use disorders, ethics, and confidentiality. Such education or training shall be approved by:

- (1) NH Training Institute on Addictive Disorders;
- (2) NAADAC, The Association for Addiction Professionals;
- (3) New England Institute of Addiction Studies;
- (4) New England Addiction Technology Transfer Center; or
- (5) The NH board of licensing for alcohol and other drug use professionals in RSA 330-C.

(b) No later than one month prior to the expiration of their certification, the applicant for recertification shall submit to the Department a completed "IDEP Instructor Certification Application" (December 2022), along with:

- (1) A copy of the applicant's most recent instructor certification; and
- (2) Evidence of training and education required in (a), including a certificate of completion or a letter of attendance from the course leader that includes the following:

- a. The course titles;
- b. The sponsoring agencies;
- c. The dates of attendance; and
- d. The number of course hours related to substance use.

(c) The bureau shall review all courses for applicability to the field of substance use.

(d) If the instructor whose certification has expired does not apply for recertification, their certification shall be deemed to have lapsed, and they shall be prohibited from facilitating an IDEP session or acting as a co-facilitator.

(e) 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 a complete “IDEP Instructor Certification Application” (XXXX 2023) to the bureau;

(2) The information in He-A 509.05 (a) (1) through (5); and

(3) Provide a certificate or certificates showing that the required training or education has been completed He-A 509.05 (b)(1)and (2).

(f) A certified instructor may voluntarily terminate their certification by notifying the Department in writing.

~~— (a) For an instructor to be recertified, he or she shall have obtained during the current certification period at least 48 hours of education or training, of which no more than 10 hours may be done online, which has been approved by the board of licensing for alcohol and other drug use professionals in RSA 330-C, in relevant impaired driver services education, including, at a minimum, the topics of NH impaired driver laws, ethics, and confidentiality.~~

~~— (b) The department shall send each instructor a “IDEP Instructor Certification Application” (November 2012) 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 “IDEP Instructor Certification Application” (November 2012), along with:~~

~~(1) A copy of the applicant’s instructor certification; and~~

~~(2) Either:~~

~~a. A copy of a valid LADC or MLADC 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.~~

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

~~— (e) 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 IDEP session or acting as a co-facilitator.~~

~~— (f) 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 a complete “IDEP Instructor Certification Application” (November 2012) to the department;~~

~~(2) Have obtained:~~

~~a. At least 48 hours of education or training, of which no more than 10 hours may be done online, which has been approved by the board of licensing for alcohol and other drug use professionals in RSA 330-C, in relevant impaired driver services education, including, at a minimum, the topics of NH impaired driver laws, ethics, and confidentiality; and~~

~~b. An additional 2 hours of education and training for every one month period since expiration of his or her last valid certification period; and~~

~~(3) Provide a certificate or certificates showing that the required training or education has been completed, per (c)(2)b. above.~~

~~— (g) A certified instructor shall notify the department of any change of address.~~

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

He-A 509.06 Suspension and Revocation of Certification.

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

(1) Failure to act in accordance with He-A 500;

(2) Engaging in the practice of IDEP 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 IDEP 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~~convicted of any DWI or any drug or alcohol related offense within the current certification period, or within one year prior to the current certification period. ~~and there is probable cause to believe that the person committed the offense; or~~The individual may reapply for certification one year after they have satisfied all court mandated requirements and/or IDCMP requirements.

(7) Failure to maintain client confidentiality in accordance with ~~He-A 504.02~~He-A 507.01;

(8) Revocation of any professional license/certification;

(9) The instructor has committed fraud;

(10) The instructor has abused, exploited, neglected, or extorted a client;

(11) The instructor has allowed a condition to exist that jeopardizes the health, safety, or welfare of a client; or

(12) The instructor has failed to deliver the agreed upon services or maintain applicable eligibility standards.

(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.

(d) Within 10 days after issuance of any notice of the bureau's intent to suspend or 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.

(e) When an instructor's certification has been revoked, that person shall not be eligible to reapply for certification for at least one year, and at minimum the applicant shall demonstrate that circumstances have changed to the extent that the Department has good cause to believe that the applicant has the requisite degree of knowledge, skills, and resources necessary to maintain compliance with the provisions of RSA 265-A:40 and He-A 500.

(f) The one-year period referenced in (e) above shall begin on:

(1) The date of the bureau's decision to revoke the certification, if no request for an administrative hearing is requested; or

(2) The date a final decision upholding the action of the bureau is issued, if a request for a hearing is made and a hearing is held.

PART He-A 510 IMPAIRED DRIVER SERVICES PROVIDERS

He-A 510.01 Approval Required for Delivery of Impaired Driver Services.

(a) Providers who meet the qualifications in He-A 510.01(d) may act as an IDSP, after completing an "IDEP Instructor Certification Application" (XXXX 2023) and obtaining approval from the bureau.

(b) The provider shall agree to work with and collaborate with the IDCMPs to satisfy all requirements in He-A 500 related to the service plan.

(c) The IDSP may be a provider serving in any ASAM level of care.

~~(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 500 for the purpose of driver's license restoration without first obtaining approval from the department.~~

(d) The following individuals may act as an IDSP:

(1) A NH LADC or MLADC;

(2) A NH clinical social worker, licensed in accordance with RSA 330-A, that is also certified by the NASW as a certified clinical alcohol, tobacco, and other drugs social worker (CCATODSW);

(3) A NH licensed psychologist with a certificate from the American Psychological Association for the treatment of alcohol and other psychoactive substance abuse disorders; or

(4) A person who is actively working towards the NH LADC credential under appropriate supervision, and who meets the following requirements:

a. Has passed the IC&RC written exam within the past 2 years;

b. Has completed the following training within the past 2 years:

1. A 6-hour minimum training on ethics;

2. Training on the 12 Core Functions;

3. Training on relevant New Hampshire statutes and rules; and

4. Training on conducting substance use disorder evaluations, including the Addiction Severity Index (ASI) (5th edition, 1998), available as noted in Appendix A;

c. Does not have the required number of hours yet to apply for licensure but is currently working towards those hours; or

d. Meets one of the following:

1. Is in at least the second year of an accredited graduate clinical program and who is serving in a clinical internship in a licensed or certified treatment facility; or

2. Has a master's degree in a clinical field and has completed the academic requirements of the NH board of licensing for alcohol and other drug use professionals to be a NH MLADC pursuant to RSA 330-C:1, and

3. Shall have all clinical work supervised and signed off on by their supervisor.

~~— (b) The department shall maintain, update, and publish a list of approved providers of impaired driver services.~~

~~He A 510.02 Treatment Provider Qualifications.~~

~~(a) In order to be an approved provider of impaired driver treatment services, a provider shall be one of the following:~~

- ~~(1) An agency approved in accordance with He A 510.06 to provide treatment services;~~
- ~~(2) An agency under current service contract with the bureau of drug and alcohol services as a substance abuse treatment facility pursuant to RSA 172; or~~
- ~~(3) An individual practitioner who is not employed by an agency in (1) or (2) above if he or she meets one of the requirements in (c)(1) (4) below.~~

~~(b) The department shall not separately approve individuals employed by an agency in (a)(1) or (2) above, but such employed individuals shall meet the requirements in (c) below in order to provide impaired driver treatment services.~~

~~(c) An individual, whether an employee of an agency in (a)(1) or (2) above or an individual practitioner, shall meet one of the following requirements in order to be an approved provider of impaired driver treatment services:~~

- ~~(1) Be a NH MLADC;~~
- ~~(2) Be a NH licensed clinical social worker, licensed in accordance with RSA 330-A, that is also certified by the NASW as a CCATODSW;~~
- ~~(3) Be a NH LADC that is supervised by an individual listed in (1) or (2) above;~~
- ~~(4) Be a NH LADC whose license allows him or her to engage in independent practice and who is practicing within the authorized scope of practice; or~~
- ~~(5) For employees of an agency in (a)(1) or (2) above only, be an individual who is supervised by an individual listed in (1) or (2) above, is designated by a title that clearly indicates training status or discloses to clients that he or she is not currently a licensed MLADC or LADC but is actively seeking this credential under appropriate supervision, and meets the following requirements:
 - ~~a. Has passed the IC&RC written exam within the past 2 years;~~
 - ~~b. Has completed the following training within the past 2 years:
 - ~~1. A 6 hour minimum training on ethics;~~
 - ~~2. Training on the 12 Core Functions;~~
 - ~~3. Training on relevant New Hampshire statutes and rules; and~~
 - ~~4. Training on conducting substance use disorder evaluations, including the Addiction Severity Index (ASI) (5th edition, 1998);~~~~
 - ~~c. Does not have the required number of hours yet to apply for licensure but is currently working towards those hours; and~~
 - ~~d. Meets one of the following:~~~~

- ~~1. In at least the second year of an accredited graduate clinical program and who is serving in a clinical internship in a licensed or certified treatment facility; or~~
- ~~2. Has a masters degree in a clinical field and has completed the academic requirements of the NH board of licensing for alcohol and other drug use professionals to be a NH MLADC pursuant to RSA 330-C:16.~~

~~He A 510.03 Recovery Support Provider Qualifications. Individuals providing impaired driver recovery support services shall:~~

- ~~(a) Be certified recovery support workers certified in accordance with RSA 330-C;~~
- ~~(b) Be employees of either an agency in He A 510.02(a)(1) or (2) above or a recovery community organization under current contract with the bureau;~~
- ~~(c) Practice or have demonstrated competency in the specific subject area or service being provided; and~~
- ~~(d) Meet licensure, certification, registration, or accreditation requirements, as applicable, to the specific service being provided.~~

~~He A 510.04 IDSPs Deemed Approved.~~

~~(a) The providers in (b) and (c) below shall be deemed IDSPs if they provide to the bureau written notice that they wish to be an IDSP and which includes a statement affirming that they will comply with all applicable requirements of He A 500.~~

~~(b) The following entities shall be deemed to be approved providers of impaired driver treatment services:~~

- ~~(1) Treatment providers under current service contract with the bureau of drug and alcohol services as substance abuse treatment facilities pursuant to RSA 172;~~
- ~~(2) Community mental health programs approved in accordance with He M 403; and~~
- ~~(3) Community health centers under contract with the department.~~

~~(c) Certified recovery support workers who are employees of one of the following entities shall be deemed to be approved providers of impaired driver recovery support services:~~

- ~~(1) Treatment providers currently under current service contract with the bureau as substance abuse treatment facilities pursuant to RSA 172;~~
- ~~(2) Recovery community organizations under current contract with the bureau.~~

~~He-A 510.025 IDSP Application Requirements.~~

~~(a) Applicants for provision of IDSP services shall submit a completed application, "NH Bureau of Drug and Alcohol Services Provider Application" (November 2012 ~~XXXX~~ 2023), along with required supporting documentation to the department.~~

~~(b) Applicants shall meet the applicable licensing, certification, and clinical standards for the level of care and services for which they are applying.~~

(c) The applicant shall email the application to the IDCMP Coordinator, or mail or hand-deliver the documents to:

Department of Health and Human Services
Bureau of Drug and Alcohol Services
Impaired Driver Services Coordinator
105 Pleasant Street
Concord, NH 03301

He-A 510.0~~36~~ Processing of Applications and Issuance of Approvals.

(a) An application for an initial approval shall be complete when the department determines that all items required by He-A 510.0~~25~~(a) have been received.

(b) If an application does not contain all of the items required by He-A 510.0~~25~~(a), the department shall notify the applicant in writing of the items required before the application can be processed.

(c) Applicants shall be notified within ~~3090~~ days of receipt of a complete application as to the status of their application.

(d) The commissioner's approval of an individual IDSP shall be based upon the applicant's ability to provide services in accordance with these rules, as evidenced by responses to the specific requirements of the application.

(e) The commissioner shall approve an IDCMP if the commissioner determines that the applicant has:

(1) Submitted to the department a complete application;

(2) Met the applicable professional qualifications in He-A 510.02 ~~and He-A 510.03~~; and

(3) Demonstrated the ability to comply, and has agreed to comply ~~compliance~~ with all applicable requirements of He-A 500.

(f) Applications may be submitted anytime throughout the year.

(g) All approvals issued shall be non-transferable.

He-A 510.0~~47~~ Approval Expirations and Procedures for Renewals.

(a) An approval shall be valid on the date of issuance and expire 3 years later on the last day of the month it was issued unless a completed application for renewal has been received prior to expiration.

(b) Each IDSP shall complete and submit to the department an application form pursuant to He-A 510.0~~15~~(a) at least 90 days prior to the expiration of the current approval.

(c) If an IDSP fails to timely submit a complete application for renewal as required under (a) and (b) above, the IDSP shall cease to provide services to impaired driver clients the day after the current approval expires, and shall not provide such services until a new written approval is obtained.

(d) An approval shall be renewed if the department determines that the IDSP:

(1) Submitted an application containing all the items required by He-A 510.0~~15~~(a)(~~3~~), prior to the expiration of the current approval; and

- (2) Is in compliance with He-A 500, as applicable.

He-A 510.058 Denial of an Initial or Renewal Application. The department shall deny an application for approval if, based on the information in the application, the applicant fails to meet the applicable requirements of He-A 500 or if any of the factors in He-A 510.0710(a) exists.

He-A 510.069 Termination of Service. If an IDSP terminates its services for any reason, the provider shall:

- (a) Submit written notification of the termination to the department 90 days prior to the termination date; and
- (b) Notify each client's IDCMP of the termination; and
- ~~(c) Make arrangement to transfer all client records to the client's IDCMP.~~

He-A 510.0710 Withdrawal of Provider Approval.

(a) The department shall withdraw provider approval via written notice upon evidence of any of the following:

- (1) The provider has committed fraud;
- (2) The provider has abused, exploited, neglected, or extorted a client;
- (3) The provider has allowed a condition to exist that jeopardizes the health, safety, or welfare of a client; ~~or~~
- (4) The provider has failed to adhere to the applicable state or federal rules or laws regarding the treatment of clients;
- (5) The provider has failed to deliver the agreed upon services; or
- (6) The provider has failed to maintain applicable provider eligibility standards.

(b) The written notice in (a) above shall include:

- (1) The action to be taken by the department;
- (2) The reasons for the action; and
- (3) The right of the provider to request a hearing in accordance with RSA 541-A:30, He-C 200, and He-A 510.0811 prior to the withdrawal becoming final.

He-A 510.0811 Request for an Administrative Hearing.

(a) A provider shall have 30 calendar days after receipt of the notice of withdrawal to request in writing a hearing to contest the action.

(b) If a written request for a hearing is not received pursuant to (a) above, the provider waives his right to a hearing and the action of the department shall become final.

(c) Hearings under this section shall be conducted in accordance with RSA 541-A and He-C 200.

~~He A 510.12 Service Descriptions.~~

~~(a) The following shall apply for outpatient treatment services providers:~~

~~(1) All outpatient treatment services providers shall offer the following clinical services:~~

- ~~a. Assessment services;~~
- ~~b. Treatment and rehabilitation services;~~
- ~~c. Transfer and discharge services; and~~
- ~~d. Client record services; and~~

~~(2) Treatment and rehabilitation services shall include:~~

- ~~a. Development and maintenance of an individual treatment plan; and~~
- ~~b. Services rendered consistent with the treatment plan, including individual or group counseling sessions, or both, for less than 9 hours per week.~~

~~(b) The following shall apply for intensive outpatient treatment services providers:~~

~~(1) All intensive outpatient treatment services providers shall offer the following clinical services:~~

- ~~a. Assessment services;~~
- ~~b. Treatment and rehabilitation services;~~
- ~~c. Transfer and discharge services; and~~
- ~~d. Client record services; and~~

~~(2) Treatment and rehabilitation services shall include:~~

- ~~a. Development and maintenance of an individual treatment plan; and~~
- ~~b. Services rendered consistent with the treatment plan, including individual or group counseling sessions, or both, for at least 3 hours per day and at least 3 days per week.~~

~~(c) Recovery support services providers shall render services, consistent with the service plan, to include any services within the certified recovery support worker scope of practice described in RSA 330-C:13.~~

He-A 510.0913 General IDSP Requirements.

(a) All impaired driving service providers shall provide services in accordance with best practices as defined by Substance Abuse and Mental Health Service's Administration (SAMHSA) in the Treatment Improvement Protocol (TIP) and Technical Assistance Publication (TAP) series, available as noted in Appendix A.

(b) IDSPs shall adhere to the requirements set forth in He-A 507.03 (d)-(g) regarding evaluations.

(c) IDSPs shall adhere to all state and federal rules and laws regarding the treatment of substance misuse, or substance use disorder clients.

(d) IDSPs shall maintain a client record, to include a treatment or recovery plan as applicable, progress notes, consent forms, and details of service provisions.

(e) Treatment plans and recovery plans shall be developed in consultation with the client and updated as appropriate.

(f) IDSPs shall communicate with the IDCMP as follows:

(1) Provide the IDCMP with written updates regarding the client's adherence to the service plan no less than once per month;:-

(2) Contact IDCMP care managers immediately if there is an issue of non-adherence with the treatment plan that warrants a change in the service plan;

(3) In cases where the IDSP and IDCMP disagree on the evaluation findings and/or service plan requirements, the IDSP and a clinical provider from the IDCMP shall work together to come to agreement and will document the associated efforts.

(4) If agreement cannot be reached through the process described in (3) above, the IDSP or IDCMP may submit a written request for mediation to the bureau.

(5) Should the mediation described in (d) above fail to produce agreement between the IDSP and the IDCMP, the bureau shall make a determination of the appropriate clinical course of action. Such determination will be final.

(g) All IDSPs shall obtain a release of information, signed by the client, to release information to the IDCMP.

(h) Upon termination of IDSP services, the IDSPs shall provide an "Impaired Driver Service Provider Discharge Report" that includes:

(1) A diagnostic summary to the IDCMP of their work with the client, including all dates of contact and length of contacts;

(2) A description of the client's progress; and

(3) The provider's rationale as to why the client should, or should not, be considered to have completed their treatment plan requirements.

~~(a) IDSPs shall review the care requirements outlined in the client's service plan, including the review of all available documents such as the client's driving and arrest record.~~

~~(b) IDSPs shall maintain a client record, to include a treatment or recovery plan as applicable, progress notes, consent forms, and details of service provision.~~

~~(c) Treatment plans and recovery plans shall be developed in consultation with the client and updated as necessary.~~

~~— (d) Treatment plans shall be developed in a way that acknowledges the client's:~~

- ~~(1) Cultural sensitivities;~~
- ~~(2) Education level;~~
- ~~(3) Reading ability;~~
- ~~(4) Language comprehension; and~~
- ~~(5) Cognitive ability.~~

~~— (e) Treatment plans shall include, at a minimum, the following:~~

- ~~(1) Problems to be addressed during treatment, including possible barriers to treatment;~~
- ~~(2) Client strengths that can be used in resolving problems identified in (1) above;~~
- ~~(3) Measurable long term goals that might be accomplished throughout the course of treatment;~~
- ~~(4) Measurable short term goals, which might be accomplished over a period of days or weeks, leading to the completion of the long term goals, including:
 - ~~a. Timeframes for the anticipated dates of achievement or completion of each goal, or for reviewing progress towards goals;~~
 - ~~b. Specification and description of the indicators used to assess the client's progress; and~~
 - ~~c. Documentation of the client's participation in the treatment planning process or the reason why the client did not participate;~~~~
- ~~(5) Measurable personal goals that might be achieved if treatment plan goals are realized;~~
- ~~(6) Measurable recovery plan goals, if applicable;~~
- ~~(7) Dated signature of the clinician; and~~
- ~~(8) Dated signature of the client, or an indication of the client's refusal to sign and agree to the treatment plan.~~

~~— (f) IDSPs shall work with clients to meet objectives outlined in their service plan and shall provide the client with ongoing assessment of client progress and needs.~~

~~— (g) IDSPs shall communicate with the client's IDCMP care manager as follows:~~

- ~~(1) IDSPs shall provide the IDCMP with the client's treatment plan;~~
- ~~(2) IDSPs shall suggest revisions to the client's service plan based on their ongoing clinical work with the client, as needed;~~
- ~~(3) IDSPs shall contact IDCMP care managers immediately should there be an issue of non-compliance with the service plan; and~~
- ~~(4) IDSPs shall provide updates about the client's progress in treatment on a monthly basis and when requested by the IDCMP care manager, to include dates of contact, length of contact, and a narrative that clearly describes the client's progress.~~

~~— (h) For each client, IDSPs shall maintain supporting documentation for all services rendered, including the date and time of service, the duration of the service, and a progress note on each service rendered.~~

~~— (i) The information in (h) above shall be entered into the WITS no later than 3 days following the delivery of the service.~~

~~— (j) All providers shall obtain written client consent prior to any service provision.~~

~~— (k) At the completion of all treatment requirements contained in the service plan, IDSPs shall provide a treatment plan completion report, which includes a diagnostic summary to the IDCMP of their work with the client, including all dates of contact and length of contacts, and which clearly describes the client's progress and the provider's rationale as to why the client should be considered to have completed their service plan requirements.~~

APPENDIX A: Incorporation by Reference Information

Rule	Title	Publisher; How to Obtain; and Cost
He-A 507.02(b), He-A 507.03(d)(2)	Behavior Data Systems, "Driver Risk Inventory-II (DRI-II) (2007 edition)	Publisher: Behavior Data Systems, Ltd. Cost: \$9.95 per test The incorporated document is available at http://www.driver-risk-inventoryii.com/
He-A 507.02(b), 507.03(d)(3)	Research Institute on Addictions Self Inventory (RIASI) (4 th Edition, 2005)	Publisher: Research Institute on Addictions Self Inventory Cost: Free of Charge The incorporated document is available from: Thomas H. Nochajski, Ph.D., Associate Professor School of Social Work, University at Buffalo, SUNY, 660 Baldy Hall Amherst New York, 14260 Phone: (716) 645-3381; Email: thn@buffalo.edu
He-A 507.03(d)(1), He-A 507.03(e)(2)a., He-A 507.03(e)(2)c.	American Society of Addiction Medicine's "The ASAM Criteria" (3 rd Edition, 2013)	Publisher: American Society of Addiction Medicine Cost: \$95.00 The incorporated document is available at: https://www.asam.org/publications-resources/textbooks
He-A 507.03(d)(1)	U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration's,	Publisher: U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration Cost: Free of Charge

Rule	Title	Publisher; How to Obtain; and Cost
	“TAP 21: Addiction Counseling Competencies” (2017 revision)	The incorporated document is available at: https://store.samhsa.gov/sites/default/files/d7/priv/sma12-4171.pdf
He-A 507.03(d)(1), He-A 507.03(e)(2)(c), He-A 507.03(e)(3)d.,	American Psychiatric Association’s, “Diagnostic and Statistical Manual for Mental Disorders (DSM-5)”, (5 th Edition, 2013)	Publisher: American Psychiatric Association Cost: \$127.50- \$170.00 (Varies by Membership) The incorporated document is available at
He-A 510.01(d)(4)b.4.	“Addiction Severity Index (ASI)” (5 th Edition, 1998)	Publisher: A. Thomas McLellan Cost: Free of Charge The incorporated document is available at https://www.bu.edu/igsw/online-courses/substanceabuse/AddictionSeverityIndex,5thedition.pdf
He-A 510.09(a)	U.S. Department of Health and Humans Services, Substance Abuse and Mental Health Services Administration’s, “Treatment Improvement Protocols and Technical Assistance Publications”	Publisher: U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration Cost: Free of Charge The incorporated document is available at https://www.samhsa.gov/kap/resources

APPENDIX B

Rule Number	State or Federal Authority
He-A 501.01 – 501.02	RSA 265-A:39; RSA 265-A:40, I
He-A 502.01	RSA 265-A:2; RSA 265-A:3; RSA 265-A:40; RSA 330C
He-A 503.01 – 503.07	RSA 265-A:40, I
He-A 504.01 – 504.10	RSA 172:8-a; RSA 265-A:40, I; RSA 318-B:12
He-A 505.01-505.03	RSA 265-A:39, III(d), III(g); RSA 265-A:40, IV, VII(e), VII(g)
He-A 506.01 -506.04	RSA 265-A:39; RSA 265-A:40
He-A 507.01	RSA 265-A:40, II
He-A 507.01(b)(1)a	RSA 265-A:40, III

He-A 507.02	RSA 265-A:40, II(a)
He-A 507.03	RSA 265-A:40, II(b), VIII; RSA 330-C:16
He-A 507.04	RSA 265-A:40, II(c), VI
He-A 507.05	RSA 265-A:40, II(g)
He-A 507.06	RSA 265-A:40, II(d), II(e), II(f)
He-A 507.07	RSA 265-A:40, II(h), V
He-A 507.08	RSA 265-A:40, II(h); RSA 265-A:42, I
He-A 507.09	RSA 265-A:40, II
He-A 508.01 – 508.03	RSA 265-A:39, I
He-A 508.04 – 508.06	RSA 265-A:39, II
He-A 508.07	RSA 265-A:40, IX
He-A 509.01 – 509.06	RSA 265-A:39, III(f, -); RSA 265-A:40
He-A 510.01 – 510.13	RSA 265-A:40, I; RSA 330-C:1