

CHAPTER 66A

INTOXICATED DRIVING PROGRAM

Authority

N.J.S.A. 39:4-50 et seq., specifically 39:4-50(f).

Source and Effective Date

R.1995 d. 183, effective March 3, 1995.
Sec: 27 N.J.R. 274(a), 27 N.J.R. 1420(a).

Executive Order No. 66(1978) Expiration Date

Chapter 66A, Intoxicated Driving Program, expires on March 3, 2000.

Chapter Historical Note

Chapter 66A, Intoxicated Driving Program, was adopted as R.1990 d. 135, effective March 5, 1990. See 21 N.J.R. 3283(a), 22 N.J.R. 848(a), 22 N.J.R. 995(b). Pursuant to Executive Order No. 66 (1978), Chapter 66A was readopted as R.1995 d. 183. See: Source and Effective Date. See, also, section annotations.

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SUBCHAPTER 1. INTOXICATED DRIVING
PROGRAM/INTOXICATED DRIVER
RESOURCE CENTER

8:66A-1.1 Purpose and scope

The purpose of this chapter is to improve the driving behavior of individuals who have been identified as having some alcohol or drug involvement in connection with the operation of a motor vehicle or vessel. The chapter applies to all county Intoxicated Driver Resource Centers, all approved treatment programs, and the Department of Health, and all individuals convicted in New Jersey of a drug or alcohol offense related to the operation of a motor vehicle or vessel after May 25, 1977, and individuals subject to N.J.A.C. 13:20-31, adopted December 15, 1972.

Amended by R.1995 d.183, effective April 3, 1995.
See: 27 N.J.R. 274(a), 27 N.J.R. 1420(a).

Case Notes

DWI, 3rd offense penalties do not require jury trial. *State v. Hamm*, 121 N.J. 109, 577 A.2d 1259 (1990), certiorari denied 111 S.Ct. 1413, 499 U.S. 947, 113 L.Ed.2d 466.

8:66A-1.2 Definitions

The following words and terms, as used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

“Affiliated treatment agency” means an agency or practitioner affiliated with an Intoxicated Driver Resource Center with the approval of the Intoxicated Driving Program pursuant to N.J.A.C. 8:66A-5.3 to provide alcohol and drug treatment services for the education, rehabilitation, and treatment of clients.

“Affiliation agreement” means a written contract wherein the treatment program in consideration of being approved agrees to abide by State rules.

“Alcohol abuser” means any person who chronically, habitually, or periodically consumes alcoholic beverages to the extent that such use substantially injures his or her health or substantially interferes with his or her social or economic functioning in the community on a continuous basis, or he or she has lost the power of self control with respect to the use of such beverages. The Diagnostic and Statistical Manual on Mental Disorders (DSM III) of the American Psychiatric Association shall be used as a guide in evaluating this definition.

“Alcohol Safety Institute” (ASI) means the designation given to clients who have been evaluated by the Intoxicated Driver Resource Center/Intoxicated Driving Program and are not referred to treatment.

“Alcohol or drug related offense” means a conviction by a court of law or a finding by the Division of Motor Vehicles of operating under the influence, pursuant to N.J.S.A. 39:4-50 et seq. or N.J.S.A. 12:7-34.19 et seq. or N.J.S.A. 12:7-46 et seq., or refusal to submit to a chemical test, pursuant to N.J.S.A. 39:4-50.4(a) et seq., or N.J.S.A. 12:7-57 et seq., or N.J.S.A. 39:4-50.14 et seq., N.J.S.A. 39:3-10.24, et seq. or N.J.S.A. 39:4-14.3g.

“Cancellation” means that a previous suspension has been rescinded and removed from the driver’s abstract by the Division of Motor Vehicles.

“Client” means a person who has been convicted of an alcohol or drug related offense or other person who is referred or is otherwise within the jurisdiction of the Intoxicated Driving Program/Intoxicated Driver Resource Center program.

“Counselor” means a person certified for the State of New Jersey by the Alcohol and Drug Counselor Certification Board of New Jersey, Inc. or another state to counsel alcohol abusers or drug abusers, or a person with five years continuous experience in the treatment of alcohol or drug abusers.

“Didactic” means group education using lectures, group interaction or audio visual aids.

“Drug abuser” means a person who is using a controlled dangerous substance or other drug and who is in a state of psychic or physical dependence, or both, arising from the use of that controlled substance on a continuous basis. Drug abuse is characterized by behavioral and other responses, including, but not limited to, a strong compulsion to take the substance on a recurring basis in order to experience its psychic effects, or to avoid the discomfort of its absence. The Diagnostic and Statistical Manual on Mental Disorders of the American Psychiatric Association (DSM III) shall be used as a guide in evaluating persons under this definition.

“First offender” means a person who is convicted once, pursuant to N.J.S.A. 39:4-50 or N.J.S.A. 12:7-34.19 or N.J.S.A. 12:7-46 within the statutory time period, or is convicted of a refusal to take a chemical test in conjunction with one of the above offenses.

“First offender program” means the program administered by the county Intoxicated Driver Resource Centers for detention, evaluation, and referral for first offenders which may also be used to evaluate other offenders or referrals for evaluation. The program normally consists of six hours a day for two consecutive days for a total of 12 hours.

“Intoxicated driving program” means the unit within the Division of Alcoholism and Drug Abuse responsible for administering the State post-conviction evaluation and referral program for persons convicted of alcohol or drug related offenses.

"Incapacitated" means the condition of a person who is:

1. Unconscious, as a result of the use of alcohol or drugs, or whose judgment is so impaired that the person is incapable of realizing and making a rational decision with respect to his or her need for treatment;
2. In need of substantial medical attention; or
3. Likely to suffer substantial physical harm (N.J.S.A. 26:2B-7).

"Inpatient treatment" means treatment within a residential treatment facility.

"Intoxicated Driver Resource Center" (IDRC) means the personnel and facilities approved by the Intoxicated Driving Program that detain and determine, on the basis of an evaluation instrument and counselor evaluation and other information, the extent, if any, of a client's alcohol or drug related problem and that monitor and report on referrals to approved treatment programs.

"Intoxicated" means a person whose mental or physical functioning is substantially impaired as a result of the use of alcohol or drugs.

"Intoxicated Driver Resource Center" (IDRC) means the personnel and facilities approved by the Intoxicated Driving Program which determine, on the basis of an evaluation instrument and counselor evaluation and other information, the extent, if any, of a client's alcohol or drug related problem and which monitor and report on referrals to approved treatment programs.

"Multiple offender" means a client with three or more intoxicated driving related offenses.

"New law client" means those clients arrested for a violation of N.J.S.A. 39:4-50 after October 4, 1984.

"Noncompliance" means when a client or other person who has been convicted of an alcohol or drug related offense or who is otherwise under the jurisdiction of the Intoxicated Driver Resource Center/Intoxicated Driving Program, refuses, neglects, or inadvertently fails to comply with any ordered referral or evaluation or appointment for education, evaluation, or treatment or who fails to pay the appropriate fees.

"Old law client" means those clients arrested for a violation of N.J.S.A. 39:4-50 et seq. before October 4, 1984.

"Out of State" means an out of State resident who is convicted in New Jersey of an alcohol or drug related driving offense.

"Outpatient treatment" means non-residential treatment.

"Recidivist" means a client who has been convicted of an alcohol or drug related driving offense and who has com-

pleted the Intoxicated Driver Resource Center/Intoxicated Driving Program or its predecessor, and who has been convicted again of an alcohol or drug related driving offense.

"Refusal offense" means a conviction under N.J.S.A. 39:4-50.4(a) or N.J.S.A. 12:7-57.

"Repeater" means a client with two alcohol or drug related offenses.

"Restoration" means driving privileges have been restored after suspension.

"Roster" means a list of clients scheduled to attend an Intoxicated Driver Resource Center.

"Second offender" means a person convicted of two offenses of N.J.S.A. 39:4-50 or N.J.S.A. 12:7-46 or N.J.S.A. 12:7-34.19 within the statutory time period, or two offenses of refusal to take a chemical test under N.J.S.A. 39:4-50.4(a) or N.J.S.A. 12:7-57.

"Second offender program" means the Intoxicated Driver Resource Center program for second offenders. This program normally consists of 48 consecutive hours.

"Self-help group" means a peer support group that is of no cost to its members.

"Third and subsequent offenders" means a person convicted of three or more offenses under N.J.S.A. 39:4-50(a)(3) or N.J.S.A. 12:7-54(a)(3) within the statutory period.

"Treatment" means a structured intervention into a client's drinking or drug use, care for alcohol or drug abuse or related problems.

"Z client" means a New Jersey licensed driver convicted of an alcohol or drug-related offense in another state or country who has been ordered to attend alcohol or drug abuse education, evaluation or treatment.

Amended by R.1995 d.183, effective April 3, 1995.
See: 27 N.J.R. 274(a), 27 N.J.R. 1420(a).

8:66A-1.3 Establishment of an Intoxicated Driver Resource Center (IDRC)

(a) Subject to the approval of the Intoxicated Driving Program, the counties shall, with its cooperation, designate or establish Intoxicated Driver Resource Centers on a county or regional basis as required by N.J.S.A. 39:4-50(f). The counties may establish such a center themselves or in cooperation with other counties. The counties may either operate the IDRCs themselves, or they may contract for the operation of the IDRCs.

(b) A county or regional program proposing to establish or substantially change an Intoxicated Driver Resource Center shall notify the Intoxicated Driving Program of its intent to do so in writing 180 days prior to the proposed effective date. The notice shall indicate whether the county intends to operate the Intoxicated Driver Resource Center itself, or contract for services. Within 60 days of the notice of intent the county shall provide a program description, action plan, budget, table of personnel, proposed program schedule and curriculum to the Intoxicated Driving Program. If the county proposes to contract for services, it shall provide the Intoxicated Driving Program with a schedule for calling for proposals, containing, but not limited to, the information specified above, and shall review, rank and approve such proposals in accordance with applicable State and county laws and rules governing the issuance of contracts for such services.

(c) The Intoxicated Driving Program shall consult with the county and provide assistance as needed in the course of the process established pursuant to (a) and (b) above.

New Rule, R.1995 d.183, effective April 3, 1995.
See: 27 N.J.R. 274(a), 27 N.J.R. 1420(a).

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**SUBCHAPTER 2. ACTIONS SUBSEQUENT TO
CONVICTION FOR N.J.S.A. 39:4-50 OR
N.J.S.A. 39:4-50.4(a) OR N.J.S.A. 12:7-57 OR
N.J.S.A. 12:7-34.19 OR N.J.S.A. 12:7-46 OR
N.J.S.A. 39:3-10.24 OR N.J.S.A. 39:4-14.3g**

8:66A-2.1 Notification and evaluation

(a) The Intoxicated Driving Program shall be notified of every conviction for violation of N.J.S.A. 39:4-50 and N.J.S.A. 39:4-50(a) and N.J.S.A. 12:7-54; N.J.S.A. 12:7-34.19; N.J.S.A. 12:7-46; N.J.S.A. 12:7-57; N.J.S.A. 39:4-14.3g; N.J.S.A. 39:3-10.24 and N.J.S.A. 39:4-50.14 through (b) the sentencing court.

(b) The Intoxicated Driving Program shall schedule persons who have been convicted in (a) above, or referred, in accordance with N.J.A.C. 8:66A-2.3, for an interview and evaluation at an appropriate Intoxicated Driver Resource Center.

(c) The Intoxicated Driver Resource Center shall take the following types of actions:

1. Evaluate and interview all persons referred to the Intoxicated Driver Resource Center by the Intoxicated Driving Program; and

2. Refer a person to an appropriate treatment level upon completion of detention at the Intoxicated Driver Resource Center based upon the evaluation instrument, counselor evaluations, the driving record, blood alcohol concentration and other relevant information.

Amended by R.1995 d.183, effective April 3, 1995.
See: 27 N.J.R. 274(a), 27 N.J.R. 1420(a).

8:66A-2.2 Report to court and the Division of Motor Vehicle Services following non-compliance

(a) Failure on the part of the client to appear at an Intoxicated Driver Resource Center shall result in a referral to Division of Motor Vehicles for appropriate action, and, referral to the court of conviction for appropriate action.

(b) Failure on the part of the client to comply with the course of action or fee schedule required by the Intoxicated Driving Program/Intoxicated Driver Resource Center or the course of action at an approved treatment agency shall result in a report of noncompliance to the sentencing court and the Division of Motor Vehicle Services for appropriate action pursuant to N.J.S.A. 39:4-50(b).

Amended by R.1995 d.183, effective April 3, 1995.
See: 27 N.J.R. 274(a), 27 N.J.R. 1420(a).

8:66A-2.3 Authorized referrals to the Intoxicated Driving Program

(a) The Chief of the Intoxicated Driving Program may receive referrals in writing from courts, Motor Vehicle licensing authorities, highway safety agencies, law enforcement agencies, physicians, family members, health agencies or social service agencies regarding persons who are believed to be posing a public danger in the operation of a motor vehicle or vessel. The Intoxicated Driving Program may schedule an interview with the individual at an appropriate Intoxicated Driver Resource Center or the office of the Intoxicated Driving Program for evaluation and appropriate action. A copy of the referral document will be given to the client at the time of the interview. Client failure to attend the interview or any ordered treatment or referral under this chapter shall result in a referral to the Division of Motor Vehicles for appropriate action.

(b) The Intoxicated Driving Program may receive referrals from any Motor Vehicle Services hearing in which it is determined that alcohol or drugs may have been involved in the operation of a motor vehicle or vessel, independent of court findings reported to the Division as a result of court action for an alcohol or drug related offense.

(c) The Intoxicated Driving Program may refer a licensee who is referred as a result of a Motor Vehicle Services hearing to a treatment or a rehabilitation program.

Amended by R.1995 d.183, effective April 3, 1995.
See: 27 N.J.R. 274(a), 27 N.J.R. 1420(a).

8:66A-2.4 Fees

Fees shall be paid as provided for at N.J.S.A. 39:4-50, N.J.S.A. 39:4-50.4, N.J.S.A. 39:4-50.14, N.J.S.A. 39:4-14.3g, N.J.S.A. 12:7-57, N.J.S.A. 12:7-34.19, N.J.S.A. 12:7-46, and 39:3-10.24 or any amendment thereto and shall be payable as designated by the Division of Alcoholism and Drug Abuse, from every person each time the person is convicted of an alcohol or drug related offense. These fees are owed and due upon conviction, pursuant to N.J.S.A. 39:4-50 if the conviction occurred after October 9, 1986, and upon referral or evaluation to the Intoxicated Driver Resource Center/Intoxicated Driving Program Unit if the conviction occurred prior to October 9, 1986.

Amended by R.1995 d.183, effective April 3, 1995.
See: 27 N.J.R. 274(a), 27 N.J.R. 1420(a).

8:66A-2.5 Authorized license actions

(a) The Intoxicated Driving Program may recommend to the Division of Motor Vehicles and to the sentencing court the following types of license actions:

1. Full restoration of New Jersey driving privileges upon termination of a court imposed suspension; or
2. Suspension of the driver's license if he or she fails to comply with the Intoxicated Driving Program/Intoxicated Driver Resource Center program or fee requirements.

8:66A-2.6 Conflict of interest

The county freeholders, through the county counsel or solicitor, shall be responsible for initial enforcement of penalties for conflict of interest, in accordance with county conflict of interest standards, on the part of the Intoxicated Driver Resource Center. A letter is required to be provided from the county counsel or solicitor who shall notify the Intoxicated Driving Program in writing that the Intoxicated Driver Resource Center treatment referral process is not in conflict of interest. Should there be a change in the treatment referral process, it shall be approved by the county counsel or solicitor and a new letter provided to Intoxicated Driving Program prior to initiating the change. If an Intoxicated Driver Resource Center wishes to employ staff who are also working for an approved treatment program, a procedure to avoid conflict of interest shall be established by the Intoxicated Driver Resource Center and approved by the county counsel or solicitor.

8:66A-2.7 Intoxicated Driver Resource Center Income and Expenditure Report

(a) At the beginning of each calendar year, each Intoxicated Driver Resource Center shall submit a detailed income and expenditure report specified by Intoxicated Driving Program which shall include information on:

1. Salary and fringe;
2. Rental costs for office;
3. Supplies;

4. Travel;
5. Maintenance of building;
6. Equipment purchase and rental;
7. Telephone;
8. Computer-data processing;
9. Printing and copying;
10. Security;
11. Staff training;
12. Subcontractors;
13. Fee collections; and
14. Other expenses.

Amended by R.1995 d.183, effective April 3, 1995.
See: 27 N.J.R. 274(a), 27 N.J.R. 1420(a).

8:66A-2.8 Curriculum

(a) The information provided in the Intoxicated Driver Resource Center curriculum shall be approved by the Intoxicated Driving Program.

(b) Suggestions for changes to the curriculum shall be submitted in writing to the Chief of the Intoxicated Driving Program.

(c) The Chief of the Intoxicated Driving Program shall have authority to alter and approve the curriculum after consultation with the Intoxicated Driver Resource Center Directors.

8:66A-2.9 Confidentiality of computer data base

Access to all Intoxicated Driver Resource Center computer data files shall be limited to Intoxicated Driver Resource Center or Intoxicated Driving Program personnel, through a coding mechanism.

8:66A-2.10 Data collection

The Intoxicated Driver Resource Centers shall file monthly data reports with the Intoxicated Driving Program.

SUBCHAPTER 3. ATTENDANCE AND SCHEDULING AT AN INTOXICATED DRIVER RESOURCE CENTER

8:66A-3.1 Scheduling

All initial scheduling shall be done by the Intoxicated Driving Program or an Intoxicated Driver Resource Center. If scheduling is done by the Intoxicated Driving Program, the Intoxicated Driver Resource Center shall advise the

Intoxicated Driving Program of the number of clients they wish to routinely schedule.

8:66A-3.2 Scheduling clients convicted of refusal to take a chemical test

Persons who are convicted of refusing a chemical test, but who are not convicted of intoxicated driving, are required to participate in the Intoxicated Driving Program/Intoxicated Driver Resource Center program of education, evaluation, and referral to any education or treatment program. The Intoxicated Driving Program shall refer the driver to an Intoxicated Driver Resource Center in accordance with N.J.S.A. 39:4-50.4(a) et seq. or N.J.S.A. 12:7-57 et seq. for this program.

8:66A-3.3 Rescheduling

(a) A rescheduling of a client for attendance at the Intoxicated Driver Resource Center may be granted for the following reasons only:

1. Health emergency, either personal or family;
2. Death in the family within 10 days prior to scheduled appointment;
3. Documented work emergency; or
4. Family emergency.

(b) The reasons or instances in (a)1-4 above shall be proved by documentation, such as a physician's letter, obituary notice, or a letter from an employer.

(c) Persons who fail to attend without having been excused by the IDRC Director shall be found in non-compliance and shall be referred to the sentencing court and the Division of Motor Vehicles for appropriate action.

Amended by R.1995 d.183, effective April 3, 1995.
See: 27 N.J.R. 274(a), 27 N.J.R. 1420(a).

8:66A-3.4 Forty-eight hour detainment of second offenders who have been in jail or treatment

(a) A person convicted for a second offense pursuant to N.J.S.A. 39:4-50 et seq. or N.J.S.A. 12:7-46 or 12:7-34.19 et seq. shall be imprisoned at a jail or workhouse or an Intoxicated Driver Resource Center or inpatient program for at least 48 consecutive hours and satisfy the other program requirements.

(b) A second offender sentenced by the court to imprisonment or inpatient treatment for at least 48 hours or who is given detention credit for 48 hours of inpatient treatment by a court shall be scheduled by the Intoxicated Driver Resource Center/Intoxicated Driving Program for a first offender program in his or her county of residence. All other second offenders shall be scheduled for the second offender program for evaluation and referral.

(c) A second offender who goes to inpatient treatment without a sentence by a court before or after sentencing but before scheduling at an Intoxicated Driver Resource Center shall not be given credit for detention unless approval is given by the court.

(d) A person sentenced to a 48-hour Intoxicated Driver Resource Center shall be scheduled there, or if such a facility is not available, referred to an appropriate facility for 48 hours.

8:66A-3.5 Transfers from one county to another prior to initial attendance at an Intoxicated Driver Resource Center

(a) A client may be transferred from one county's program to another with the consent of the Intoxicated Driver Resource Center Director. The recipient Intoxicated Driver Resource Center shall not be responsible for any administrative client details until a transfer form is received. A transfer form shall be sent by the transferring Intoxicated Driver Resource Center and shall include: The original abstract from the Intoxicated Driving Program, the record of the conviction, the original scheduling notice from the Intoxicated Driving Program and a noncompliance form, if one has been issued. If a client has a new address, it shall be noted. Upon receipt of the transfer documents, the recipient county shall become responsible for all administrative procedures. The transferring Intoxicated Driver Resource Center shall maintain a log of transferred clients.

(b) The Intoxicated Driver Resource Center transferring the client shall note on the roster, opposite the name of the client, the Intoxicated Driver Resource Center to which the client has been transferred. The Intoxicated Driver Resource Center receiving the client shall add the client's name to its roster and indicate the Intoxicated Driver Resource Center from which the client was transferred. The transferring Intoxicated Driver Resource Center shall forward all client records (maintaining a copy) to the receiving Intoxicated Driver Resource Center with a brief statement of the reason for the transfer. The receiving Intoxicated Driver Resource Center shall be responsible for collection of fees, treatment monitoring, and follow up, to include maintenance of client records. Once the client has been evaluated and referred, he or she remains in the control of the receiving Intoxicated Driver Resource Center.

Amended by R.1995 d.183, effective April 3, 1995.
See: 27 N.J.R. 274(a), 27 N.J.R. 1420(a).

8:66A-3.6 Second offender treatment referral and monitoring

If a 48 hour program sends a second offender to treatment, the Intoxicated Driver Resource Center in the client's home county shall monitor treatment. All client records shall be sent to the monitoring county.

Amended by R.1995 d.183, effective April 3, 1995.
See: 27 N.J.R. 274(a), 27 N.J.R. 1420(a).

8:66A-3.7 Scheduling and monitoring of third and subsequent offenders

Third and subsequent offenders shall be referred to the 12 hour Intoxicated Driver Resource Center for evaluation, referral to treatment and/or self-help group participation, pursuant to N.J.A.C. 8:66A-4.2, and N.J.A.C. 8:66A-4.5. Third and subsequent offenders shall be monitored by the Intoxicated Driver Resource Center for one full year from the time the client begins treatment.

New Rule, R.1995 d.183, effective April 3, 1995.
Sec: 27 N.J.R. 274(a), 27 N.J.R. 1420(a).

SUBCHAPTER 4. EVALUATION AND TREATMENT PROCEDURES

8:66A-4.1 Evaluation procedures

(a) The evaluation instrument shall be distributed to each client at the beginning of the session on the first day of attendance at an Intoxicated Driver Resource Center.

(b) The client shall finish and return the evaluation instrument at the time requested. The test score shall be entered on the client screening evaluation scoring sheet in the space provided. Any observations by staff, which may be helpful to the counselor's evaluation, may be noted on this sheet.

(c) Referrals to ASI shall be so noted on the roster. Referrals to treatment or self help shall also be noted on the roster. If a client is referred to a treatment program, a packet shall be prepared for transmittal to the treatment program which shall include the following information:

1. The court's record of the conviction;
2. Driver abstract;
3. Client screening evaluation scoring sheet;
4. Agreements to participate in treatment;
5. Records release authorization form;
6. Answer sheet to the questionnaire;
7. Autobiographical statement; and
8. The court order.

(d) The records release authorization form shall be filled out to allow information to be released to the court, Intoxicated Driving Program, and the Division of Alcoholism and Drug Abuse, the treatment program, the Division of Motor Vehicles, the Intoxicated Driver Resource Centers, and the client's attorney. In addition, the client may authorize any other persons to receive protected information by so indicating on the form.

8:66A-4.2 Criteria for client referral to treatment

(a) The purpose of Intoxicated Driver Resource Center screening is to identify clients who may be alcohol or drug abusers or who need a structured intervention into their alcohol or drug use.

(b) A referral to treatment or for further evaluation shall take into consideration the following facts as relevant to a client's need for treatment or further evaluation:

1. The client is a repeater;
2. A blood alcohol concentration of .15 percent or higher, as evidenced by the client's arrest record if he or she pled guilty, or if convicted at trial with a blood alcohol concentration of .15 percent or higher. Blood alcohol concentration shall only be used to refer where other supporting information exists that indicates a need for treatment;
3. A counselor's evaluation of answers on the evaluation instrument, based on the definition of alcohol or drug abuser;
4. Any prior outpatient or inpatient treatment for alcohol or drug abuse;
5. Any prior self help group attendance for an alcohol or drug abuse problem;
6. Driving record. There must be a clear, independent reason for a treatment referral other than the driving record; however, a driving record that includes motor vehicle or boat accidents, reckless or careless driving, or persistent moving or other motor vehicle violations shall be considered in making a treatment referral and shall be mentioned on any client evaluation documents;
7. Counselor interview and observations. All counselor observations and data used to determine treatment appropriateness shall be documented. They may include symptoms of alcohol or drug abuse including voluntary admission by the client that an alcohol or drug problem exists. A counselor's evaluation based on documented observations and data that a client is an alcohol or drug abuser (as defined herein) is sufficient to refer a client to treatment; and
8. Outside information. The Intoxicated Driver Resource Center/Intoxicated Driving Program staff may receive information from outside sources such as a client's family, treatment facilities counselors or physicians. Such information may be utilized if the source of the information is disclosed to the client and he or she is given the opportunity to review and comment on the information.

Amended by R.1995 d.183, effective April 3, 1995.
Sec: 27 N.J.R. 274(a), 27 N.J.R. 1420(a).

Cross References

Nonreferral, documentation, see N.J.A.C. 8:66A-4.3.

8:66A-4.3 Evaluation approval

(a) Any Intoxicated Driver Resource Center/Intoxicated Driving Program initial evaluation and referral to treatment shall be approved by a counselor.

(b) If a counselor decides not to refer a client who meets any of the above criteria in N.J.A.C. 8:66A-4.2(b), then documentation must be provided to support the nonreferral.

8:66A-4.4 (Reserved)

Repealed by R.1995 d.183, effective April 3, 1995.
See: 27 N.J.R. 274(a), 27 N.J.R. 1420(a).
Formerly "Evaluation of client progress".

8:66A-4.5 Determining levels of treatment

(a) Outpatient treatment is appropriate for clients who are alcohol or drug abusers.

(b) Inpatient treatment is appropriate for clients who are alcohol or drug abusers, who are experiencing physical dependence on alcohol or drugs, and/or who have had previous outpatient failure.

(c) Intensive outpatient is appropriate for clients who meet the criteria for inpatient treatment but who are required by the Intoxicated Driver Resource Center/Intoxicated Driving Program to attend intensive outpatient treatment in lieu of inpatient treatment. Such clients must attend more than 16 treatment sessions within 16 weeks. Clients may be referred to intensive outpatient treatment because the Intoxicated Driver Resource Center/Intoxicated Driving Program determines that the client's treatment can be better addressed in an outpatient program and/or inpatient treatment is not available.

(d) Self help groups are appropriate for clients under the following circumstances:

1. A self help group may be used as a treatment source if the client has been in the self help group for a minimum of three months and is currently active; or
2. Self help groups may also be used for clients in addition to inpatient or outpatient treatment.

8:66A-4.6 Referral procedures

(a) The Intoxicated Driver Resource Center shall provide each client referred for treatment with a list of affiliated treatment programs. The list shall reflect the following items:

1. Name of program;
2. Location;
3. Days/times of operation of any Intoxicated Driver Resource Center client group sessions;
4. Type of treatment and type of counseling (that is group, individual and number of self help group meetings required, and if family involvement is required);
5. Cost per session (indicate if there is a sliding fee scale or third party payment available and the minimum and maximum fees and any nontreatment fees).

(b) Clients shall choose a program from the list and sign the appropriate form indicating that he or she was shown the list and selected a program.

(c) If the Intoxicated Driver Resource Center chooses a program for the client it shall be because it would substantially benefit the client in his or her present condition.

(d) When a specific modality or program is recommended it shall be noted on the appropriate form with the reason for recommendation. All clients shall sign the form to indicate that they understand the content.

(e) Intoxicated Driver Resource Centers shall not make direct referrals to a self help group following evaluation unless the client can demonstrate that he or she is currently actively participating in the self help group. All other treatment appropriate clients shall be referred to self help groups by a treatment program as an addition to treatment. Referrals to self help groups shall not be made on the basis of indigence.

(f) All clients referred to treatment shall sign a records release authorization prior to leaving the Intoxicated Driver Resource Center. The form shall be completed to allow the Court, Intoxicated Driver Resource Center, the Intoxicated Driving Program, the Division of Alcoholism and Drug Abuse and the Division of Motor Vehicles, the client's attorney and the treatment program to exchange information.

(g) If a client refuses to sign the form, the Intoxicated Driver Resource Center shall inform the client that such refusal shall be considered noncompliance. If the client continues to refuse to sign, the client shall be considered noncompliant for refusing to sign the Records Release Authorization form necessary to complete program requirements.

(h) The client's refusal to sign the form shall not interfere with any lawful right of the above agencies to communicate.

Amended by R.1995 d.183, effective April 3, 1995.
See: 27 N.J.R. 274(a), 27 N.J.R. 1420(a).

SUBCHAPTER 5. TREATMENT PROGRAM APPROVAL REQUIREMENTS

8:66A-5.1 Affiliated treatment programs

(a) In order for a treatment program to be affiliated, the program shall apply to the relevant county Intoxicated Driver Resource Center Program and the Division of Alcoholism and Drug Abuse's Intoxicated Driving Program. The Intoxicated Driving Program has final approval authority based on the recommendations of the county, following an evaluation of staff credentials and program quality. It shall be the responsibility of the Intoxicated Driver Resource Center Director to evaluate and renew the affiliation of each treatment program after an annual site visit or providers meeting. All parties to the agreement shall be notified in writing.

(b) The Chief of the Intoxicated Driving Program or an Intoxicated Driver Resource Center Director may approve an individual treatment plan at a non-affiliated agency or provider in or out of the State. Such approval shall not exceed four months and shall be approved in the best interest of a client.

(c) All approved treatment programs shall report to the Division of Alcoholism and Drug Abuse through the Division's Alcohol and Drug Abuse Data System or any successor treatment management information system implemented by the Division.

Amended by R.1995 d.183, effective April 3, 1995.
See: 27 N.J.R. 274(a), 27 N.J.R. 1420(a).

8:66A-5.2 Treatment program affiliation criteria

(a) Every treatment program, in order to be affiliated, shall provide the following information to the Intoxicated Driving Program and to the county Intoxicated Driver Resource Center:

1. A statement that it will abide by the Division of Alcoholism and Drug Abuse rules;
2. A statement that the treatment will be performed, or supervised, by a Certified Alcoholism or Drug Abuse Counselor, or a person with five years full time experience in the treatment of alcohol or drug abuse;
3. A fee schedule, including any sliding fee schedule, and whether fees can be paid by health insurance;
4. A statement that the program will adhere to professional standards of care and ethics, and to any applicable State and Federal laws;
5. The address, telephone number, hours of operation and contact person for each office location;
6. A written description of treatment philosophy, program requirements, and treatment curriculum; and
7. A list of proposed IDRC staff and their resumes.

(b) The Intoxicated Driving Program will deny approval to treatment agencies who do not meet the requirements of this chapter. The Intoxicated Driving Program shall indicate the reasons for denial and shall accept reapplication, if the agency eliminates the obstacles which resulted in the nonapproval.

Amended by R.1995 d.183, effective April 3, 1995.
See: 27 N.J.R. 274(a), 27 N.J.R. 1420(a).

8:66A-5.3 Affiliation agreements

In order to be approved to treat Intoxicated Driver Resource Center/Intoxicated Driving Program clients, a treatment program shall sign an affiliation agreement, which must be approved by the Intoxicated Driving Program, with the county Intoxicated Driver Resource Center. All affilia-

tion agreements shall expire the last day of June of the relevant calendar year.

Amended by R.1995 d.183, effective April 3, 1995.
See: 27 N.J.R. 274(a), 27 N.J.R. 1420(a).

8:66A-5.4 (Reserved)

Repealed by R.1995 d.183, effective April 3, 1995.
See: 27 N.J.R. 274(a), 27 N.J.R. 1420(a).
Formerly "Intensive outpatient treatment program".

SUBCHAPTER 6. TREATMENT PROGRAM OPERATIONAL REQUIREMENTS

8:66A-6.1 Intake evaluation

(a) Each Intoxicated Driver Resource Center client shall receive an individual intake evaluation, preferably with his or her counselor of record. The purpose of the intake is to make an independent evaluation of the client's needs in treatment.

(b) The treatment program shall conduct an independent evaluation of the client's need for treatment. Any testing tool utilized must be noted in the evaluation. The information packet received from the Intoxicated Driving Program shall also be utilized. The treatment program shall inform the client of his or her specific responsibility under the treatment plan. If a client is determined to need treatment, a treatment plan shall be developed and a copy of the plan shall be provided to the client. Clients shall be advised that failure to participate in treatment will result in license suspension and a minimum two day jail sentence. The treatment agency shall establish a contract with the client regarding the treatment plan. The client shall sign a records release authorization during the intake process. The form shall be completed to allow the court, the Intoxicated Driver Resource Center, the Intoxicated Driving Program, the Division of Alcoholism and Drug Abuse and the Division of Motor Vehicles, the client's attorney, and the treatment program to exchange information.

(c) The treatment program shall report the result of the treatment evaluation of the client and the client's progress in treatment to the Intoxicated Driver Resource Center/Intoxicated Driving Program, as appropriate.

8:66A-6.2 Client intake form

The client intake form and the results of the evaluation by the treatment program shall be sent to the Intoxicated Driver Resource Center within seven working days after the intake with the records release authorization. The client's full name, address and phone number, driver license number, the evaluation, the counselor's signature, name of program and the date shall be included in the material sent to the Intoxicated Driver Resource Center.

8:66A-6.3 Length of treatment

The minimum length of treatment for outpatient shall be 16 sessions, one session per week. Each session shall be a minimum of one hour. The Intoxicated Driver Resource Center may require a mixture of outpatient, intensive outpatient and/or inpatient, and self help for a total time of one year from the date treatment commences.

8:66A-6.4 Treatment plan

(a) The purpose of the treatment plan is primarily educational. The material presented and the group and individual sessions are intended to provide information and personal insight to the client so that he or she will recognize the extent of his or her alcohol or drug abuse problems and acquire the basic tools to begin and maintain recovery. The plan shall also educate the client about the danger of alcohol and drug use while driving.

(b) A treatment plan shall include the following;

1. Education on alcohol and drug abuse problems;
2. Information on the effects of addiction on families, work and personal health; and
3. Individual and group counseling aimed at providing personal insight and information on how to recover. The information shall include:
 - i. The location of self-help groups;
 - ii. Information on how self-help groups work;
 - iii. Information on family treatment resources;
 - iv. An opportunity for the client to involve family and friends in the recovery process and treatment; and
 - v. A statement informing the clients of any confidentiality protection he or she is entitled to.

8:66A-6.5 Failure to comply with treatment requirements

(a) Once the client has been accepted for treatment, any failure to comply with the treatment program shall be reported by the treatment program to the Intoxicated Driver Resource Center in writing within seven working days. Failure to comply with the treatment program shall include, but not be limited to:

1. Failing to attend specific meetings;
2. Failing to comply with the treatment contract;
3. Failing to participate in individual and group counseling; or
4. Failing to attend self-help group meetings.

8:66A-6.6 Self help group involvement

The treatment plan for clients shall include some exposure to a self help group. This may be accomplished by requiring a specified number of monitored meetings, having someone from a self help group do a presentation, or educating the client about group purposes and functions. In any event, a client shall not be referred to a self help group without being given specific orientation and education about self help group functions and purposes. Self help group meetings shall not be substituted for individual or group sessions during the 16 week minimum period.

Amended by R.1995 d.183, effective April 3, 1995.
See: 27 N.J.R. 274(a), 27 N.J.R. 1420(a).

8:66A-6.7 Determining number of self help group meetings per week

(a) If a client is referred to self help in lieu of treatment by the Intoxicated Driver Resource Center or Intoxicated Driving Program, the client shall attend no less than one, and no more than three, meetings during any seven day period. If three meetings are required during any seven day period, there must be documentation by the Intoxicated Driver Resource Center to support the decision.

(b) Required self help attendance as an adjunct to treatment shall be determined on an individual basis pursuant to N.J.A.C. 8:66A-4.2 and 4.5

Amended by R.1995 d.183, effective April 3, 1995.
See: 27 N.J.R. 274(a), 27 N.J.R. 1420(a).

8:66A-6.8 Objections to being sent to self help group

Some self help groups are based on religious or spiritual principles. Upon a written petition to the Intoxicated Driver Resource Center or Intoxicated Driving Program by the client stating his or her objection to a referral to such a self help group, the Intoxicated Driver Resource Center or Intoxicated Driving Program shall place the person in a self help program that is not based on religious or spiritual principles or to out-patient or other treatment.

8:66A-6.9 Evaluation of client progress

The progress of the client shall be monitored and recorded by the treatment program staff on a weekly basis. A client who may be in need of additional treatment, such as detoxification, intensive outpatient, or inpatient treatment, may be assigned to such treatment, with approval from the Intoxicated Driver Resource Center. Clients who continue to abuse alcohol/drugs, or otherwise fail to comply with program requirements, shall be reported to the Intoxicated Driving Program by the Intoxicated Driver Resource Center.

New Rule, R.1995 d.183, effective April 3, 1995.
See: 27 N.J.R. 274(a), 27 N.J.R. 1420(a).

4. All persons who appear to be under the influence of alcohol or drugs (clients or non-clients) and are observed driving a vehicle away from the Intoxicated Driver Resource Center may be reported to the police; and

5. Intoxicated clients who are disruptive shall be found in non-compliance.

Amended by R.1995 d.183, effective April 3, 1995.
See: 27 N.J.R. 274(a), 27 N.J.R. 1420(a).

8:66A-7.2 Improper client conduct at Intoxicated Driver Resource Center or Intoxicated Driving Program

Improper conduct, such as being threatening or disruptive or purposely not completing forms or providing relevant information, shall be considered non-compliance.

SUBCHAPTER 8. CLIENT NON-COMPLIANCE PROCEDURES

8:66A-8.1 Failure to attend the Intoxicated Driver Resource Center/Intoxicated Driving Program or pay the required fees

(a) Failure to attend the Intoxicated Driver Resource Center/Intoxicated Driving Program or to pay the required fees shall be considered noncompliance. In such cases, the Intoxicated Driver Resource Center/Intoxicated Driving Program shall take the following steps:

1. A notice of noncompliance shall be mailed to the client's address on the record of conviction or the client's most recent address if the client has notified the Intoxicated Driver Resource Center/Intoxicated Driving Program of a change of address.

2. If there is no reply, or if the client remains in noncompliance, the Intoxicated Driver Resource Center/Intoxicated Driving Program, within 10 working days of mailing the notice of noncompliance, may issue a noncompliance report:

- i. A copy of the report shall be mailed to the client.
- ii. If the client is a new law offender, a copy of the report shall be mailed to the court of conviction with a copy of the original notice of noncompliance.

3. If the noncompliance is not resolved within 30 calendar days after issuance of the noncompliance report, a copy of the noncompliance report and supporting documents shall be mailed to the Intoxicated Driving Program. The Intoxicated Driving Program shall request that the Division of Motor Vehicles suspend the client's license.

8:66A-8.2 Failure to contact treatment facility

When the Intoxicated Driver Resource Center/Intoxicated Driving Program has been notified that a client has not contacted the treatment facility by the contact date, the Intoxicated Driver Resource Center/Intoxicated Driving Program shall follow the procedures of N.J.A.C. 8:66A-8.1(a)-(c) and shall, for New Law clients, in addition to the other documents, mail a copy of the treatment agreement to the court of conviction.

8:66A-8.3 Failure to comply with the treatment program

Upon receipt of a Client Treatment Release form indicating that the client did not comply with the treatment program requirements, the Intoxicated Driver Resource Center/Intoxicated Driving Program shall follow the procedures in N.J.A.C. 8:66A-8.1(a)-(c) and shall, for New Law clients, in addition to the other documents, mail a copy of the treatment agreement to the court of conviction.

8:66A-8.4 Other noncompliance

If the client is in noncompliance for any reason, the Intoxicated Driver Resource Center/Intoxicated Driving Program will follow the procedures in N.J.A.C. 8:66A-8.1(a)-(c) and shall, for New Law clients, mail any necessary documents to the court of conviction.

8:66A-8.5 Failure to follow noncompliance procedures

The failure of Intoxicated Driver Resource Center/Intoxicated Driving Program to follow the noncompliance procedures shall not relieve a client of noncompliance.

8:66A-8.6 Conditions for a request for restoration of a client's driving privileges after a finding of noncompliance by a court

(a) A client referred to treatment who is subsequently found in noncompliance by the court shall satisfactorily complete two consecutive months of treatment before the Intoxicated Driving Program shall be notified by the Intoxicated Driver Resource Center to request that the Division of Motor Vehicles restore the client's licensed driving privilege.

(b) A multiple offender who was found in noncompliance by a court shall satisfactorily complete three consecutive months of treatment before the Intoxicated Driving Program shall be notified by the Intoxicated Driver Resource Center to request that the Division of Motor Vehicles restore the client's driving privilege. However, at the discretion of the Intoxicated Driver Resource Center Director, program completion may be required.

(c) The Intoxicated Driver Resource Center shall receive written notice from the treatment facility of satisfactory performance before notifying the Intoxicated Driving Program to request that the Division of Motor Vehicles restore the client's driving privileges.

8:66A-8.7 Noncompliance with treatment

The treatment programs shall notify the Intoxicated Driver Resource Center/Intoxicated Driving Program of any noncompliance in writing within seven working days. The Intoxicated Driver Resource Center shall notify the courts and the Intoxicated Driving Program utilizing the noncompliance report.

8:66A-8.8 Proof of mailing; change of address

The Intoxicated Driving Program provides a certified mailing list with every roster sent to the Intoxicated Driver Resource Centers. The Intoxicated Driver Resource Centers shall use this as proof of mailing in cases of noncompliance to the original scheduling notice. Intoxicated Driver Resource Centers are responsible for keeping a record of rescheduling notices so that the notices can be sent to court to prove noncompliance. In all cases, copies of the certification of mailing should be sent to the courts along with reports of noncompliance when appropriate. All Intoxicated Driver Resource Centers/Intoxicated Driving Program letters, notices or other correspondence shall be sent to client's address on the record of conviction or to the most recent address provided to the Intoxicated Driver Resource Centers/Intoxicated Driving Program. It shall be the client's responsibility to keep the Intoxicated Driver Resource Centers/Intoxicated Driving Program informed as to his or her current address. Upon a change of address, the client shall notify both the Intoxicated Driver Resource Center and the Intoxicated Drivers Program in writing within 10 days.

SUBCHAPTER 9. MISCELLANEOUS OFFENDERS**8:66A-9.1 Multiple offenders**

(a) Prior to restoration of a multiple offender's driver's license, the offender shall be evaluated by the Intoxicated Driver Resource Center/Intoxicated Driving Program, and if treatment is complete, a recommendation for license restoration will be made to the Division of Motor Vehicles providing that:

1. His or her suspension period is satisfied; and
2. The client has successfully completed at least three months of approved treatment requirements and agrees to complete the remainder of any ordered treatment plan.

(b) If treatment completion took place more than a year before the request to restore the driver's license, documentation and an update by a counselor are required, or reevaluation may be required by the Intoxicated Driver Resource Center at an approved facility, or the reevaluation may be done by the Intoxicated Driver Resource Center itself.

Amended by R.1995 d.183, effective April 3, 1995.
See: 27 N.J.R. 274(a), 27 N.J.R. 1420(a).

8:66A-9.2 Out-of-State offenders

(a) Out-of-State residents may satisfy program requirements in their home state or in New Jersey. If a client chooses to participate in his or her home state, the Intoxicated Driving Program will provide the client with a blank certificate of detention and instructions on program compliance. Out-of-State residents within reasonable driving distance (one hour's travel time) of an Intoxicated Driver Resource Center shall be scheduled in New Jersey.

(b) New Jersey residents convicted out-of-State (referred to as "Z" clients) will be referred to the Intoxicated Driving Program by the Division of Motor Vehicles, other state Intoxicated Driving Programs, probation authorities, foreign countries, or attorneys. Once appropriate documentation is received, the "Z" client shall be referred to a county Intoxicated Driver Resource Center. Any client who has not as yet been scheduled at the local Intoxicated Driver Resource Center, must call the out-of-State desk or Z desk at the Intoxicated Driving Program. No out-of-State or Z clients can be admitted to the Intoxicated Driver Resource Center without Intoxicated Driving Program approval.

(c) If an out-of-State or Z client is rescheduled at the local Intoxicated Driver Resource Center, then Intoxicated Driver Resource Center personnel should place an OS (out-of-State resident) or Z (State resident convicted in another state) clearly next to their name on reschedule rosters, noncompliance forms, compliance or treatment completion forms.

Amended by R.1995 d.183, effective April 3, 1995.
See: 27 N.J.R. 274(a), 27 N.J.R. 1420(a).

8:66A-9.3 New Jersey residents convicted in a foreign state

New Jersey resident/licensees convicted abroad (in non-compact nations, provinces or territories) of alcohol or drug-related driving violations shall be required to participate in the Intoxicated Driving Program/Intoxicated Driver Resource Center Program as a requirement of continued New Jersey licensure.

8:66A-9.4 New Jersey clients who move out-of-State

If a New Jersey resident attends an Intoxicated Driver Resource Center, and pays the fee and is referred to treatment, but then moves out-of-State, the Intoxicated Driver Resource Center shall be responsible for continued monitoring. All treatment entry, program and completion reports shall be handled by the Intoxicated Driver Resource Center and the case closed and data entered per normal procedure on satisfactory program completion.

8:66A-9.5 Intoxicated boaters

Intoxicated boaters are not required to complete the mandatory two day jail sentence for noncompliance with

Intoxicated Driver Resource Center/Intoxicated Driving Program requirements; however, they are required to comply with all other Intoxicated Driver Resource Center/Intoxicated Driving Program requirements.