

Chapter 8 Alcohol and Drug Abuse

Subchapter 2

Vermont Impaired Driver Rehabilitation Program Rule

1.0 Authority

This rule is adopted pursuant to 18 V.S.A. §§ 102, 4807(c) and 3 V.S.A. §§ 801 (b) (11), 3003.

2.0 Purpose

The purpose of this rule is to establish the education, evaluation, and treatment components of and appeals process for Vermont's Impaired Driver Rehabilitation Program, or IDRP, as outlined in 23 V.S.A. § 1209a. Successful completion of IDRP is required to restore a license or privilege to operate a motor vehicle that has been revoked as a result of an impaired driving conviction. Individuals ordered by a Vermont court, the Vermont Department of Corrections, or those charged with an alcohol or drug related driving offense may also participate.

3.0 Definitions

- 3.1 "Alcohol" means any alcohol, malt beverages, spirits, fortified wines, and vinous beverages, as defined in 7 V.S.A. § 2, and any beverage or liquid containing any of them.
- 3.2 "Assessment" means an evaluation and documentation of an individual's social, mental, and physical history, and status to determine whether reinstatement should be further conditioned on satisfactory completion of treatment.
- 3.3 "Clinical Evaluation" means an initial interview with a Clinical Evaluator.
- 3.4 "Clinical Evaluator" means a licensed clinician, or a clinician with a master's degree who is actively pursuing licensure as provided for in 26 V.S.A. § 3236, or other counselor designated by the Department who administers the clinical evaluation for IDRP.
- 3.5 "Completion Report" means a document issued from Clinical Evaluator or the Facilitator to the Department.
- 3.6 "Counselor" means a licensed clinician, or a clinician with a master's degree who is actively pursuing licensure as provided for in 26 V.S.A. § 3236, or other

counselor whose scope of practice includes substance use disorder treatment and is approved by the Department.

- 3.7 “Department” means the Vermont Department of Health.
- 3.8 “DMV” means the Vermont Department of Motor Vehicles.
- 3.9 “Drug” means a regulated drug as defined in 18 V.S.A. § 4201; or any substance or combination of substances, other than alcohol, which affects the nervous system, brain, or muscles of a person so as to impair, noticeably and appreciably, a person’s ability to drive a vehicle safely.
- 3.10 “Educational Component” means a curriculum focused on reducing impaired driving recidivism approved by the Department.
- 3.11 “Exit Interview” means the meeting between the IDRP participant and the Clinical Evaluator to assess whether the participant has satisfactorily completed the IDRP.
- 3.12 “Facilitator” means the instructor of the IDRP Education Component.
- 3.13 “IDRP” means Vermont’s Impaired Driver Rehabilitation Program.
- 3.14 “Impaired” means under the influence of intoxicating liquor or other drugs as provided in 23 V.S.A. §1201 (a).
- 3.15 “Licensed Alcohol and Drug Counselor” or “LADC” means licensed in accordance with 26 V.S.A. chapter 62.
- 3.16 “License Reinstatement” means the action by the Department of Motor Vehicles to return to an individual the legal privilege of driving as provided in 23 V.S.A. § 1209a.
- 3.17 “License Suspension” means a suspension of a person’s driver’s license by the DMV for violating 23 V.S.A. §§ 1201 and 1216 by operating a vehicle under the influence of intoxicating liquor or other substances.
- 3.18 “Participant” means an individual who is enrolled and attending the IDRP.

- 3.19 “Treatment” means the counseling or therapy required by the Clinical Evaluator to complete IDRP. Treatment must be provided by a licensed clinician, or a clinician with a master’s degree who is actively pursuing licensure as provided for in 26 V.S.A. § 3236 or other counselor approved by the Department. Treatment may include without limitation outpatient therapy, intensive outpatient therapy and residential therapy.
- 3.20 “Treatment Information Form” means a document issued from the treatment provider to the Department by the Clinical Evaluator or counselor verifying that an individual has satisfactorily completed treatment.
- 3.21 "Under the Influence of Intoxicating Liquor or other Substances” means those circumstances defined in 23 V.S.A. §§ 1201 (a) and 1216.

4.0 Components of the Impaired Driver Rehabilitation Program

The IDRP consists of the following components:

4.1 Registration

The participant shall register for the program by completing the registration forms, paying the program fees, and acquiring an overview of the program requirements.

4.2 Clinical Evaluation

4.2.1 The participant shall sit for an interview with a Clinical Evaluator who will gather a personal and legal history, and administer a Department designated screening tool to the participant to determine if the individual needs to be referred for any additional assessment(s) and whether the individual will be required to sit for an exit interview.

4.2.2 For participants with one license suspension, the treatment requirement will be determined in the Clinical Evaluation. For participants with more than one license suspension, treatment is required.

4.3 Education Component

4.3.1 The participant shall complete the Department-approved education curriculum. The classes are sequential and cumulative.

4.3.2 For participants with a life suspension, completion of the Education Component is not required.

4.4 Treatment

The requirements for participants to engage in treatment vary based on the number of license suspensions, the results of the Clinical Evaluation and the Education Component. For participants with one license suspension, the treatment requirement will be determined in the Clinical Evaluation. For participants with more than one license suspension, treatment is required.

4.4.1 Treatment Requirements

- 4.4.1.1 Treatment shall involve an assessment and a **treatment plan**, addressing all substance use diagnoses, with associated goals signed by the counselor and the participant.
- 4.4.1.2 For individuals with one license suspension, treatment shall consist of a minimum of four (4) hours in no fewer than four (4) weeks if determined necessary by the Clinical Evaluator.
- 4.4.1.3 For individuals with two or more license suspensions, treatment shall consist of a minimum of twenty (20) hours in no fewer than twenty-four (24) weeks.
- 4.4.1.4 The counselor or the Clinical Evaluator may determine that the participant needs additional treatment in order to meet the requirements outlined in the treatment plan.

4.4.2 Treatment Completion

- 4.4.2.1 The participant's last treatment session shall be no more than sixty (60) days from the date that the Department receives the Treatment Information Form from the counselor or Clinical Evaluator unless waived by the Department.
- 4.4.2.2 If the Clinical Evaluator's initial evaluation requires an exit interview, an exit interview must be completed before the participant can complete IDRP.

5.0 Abandonment and Re-enrollment

If a participant has not completed IDRP within five (5) years of the Clinical Evaluation they shall be required to complete all of the program requirements from the beginning and pay all associated fees.

6.0 Out-of-State Programs

- 6.1 An IDRP completed in another state may satisfy the requirements under this rule if it is comprised of at least the following:

- 6.1.1 A completed evaluation to determine if further treatment is required and the completion of that treatment; and
 - 6.1.2 An educational component.
- 6.2 Unless approved prior to completion of a program, participants may only participate in another state's IDRP if they are licensed in and/or currently residing in that state.
- 6.3 Participants of an out-of-state program must submit the following required documentation to IDRP to have their license or privilege to operate restored in Vermont:
 - 6.3.1 Out-of-state Completion Form
 - 6.3.2 IDRP Release

7.0 Participant Appeals

Participants who disagree with the treatment determinations of the counselor, Clinical Evaluator or the Department may seek review of those decisions as set out in this section. The treatment minimums cannot be appealed.

7.1 Appeals

- 7.1.1 A participant may appeal the decision of the Clinical Evaluator in writing to the Department or seek review of the decision in Superior Court pursuant to Rule 75 of the Vermont Rules of Civil Procedure.
- 7.1.2 A participant may appeal the decision of the IDRP in writing to the Commissioner or designee.
- 7.1.3 If a participant and the IDRP cannot agree on the type of therapy required, the Criminal Division of the Superior Court shall make that determination in accordance with 23 V.S.A. § 1209a (e).
- 7.1.4 A participant may appeal a decision of the Commissioner of the Department of Motor Vehicles pursuant to 23 V.S.A. § 1209a (d).