Driving-Under-the-Influence Advisory Group
Conference Call Minutes
June 14, 2011

Advisory Group Members Present

Michael Cunningham	Millicent Gomes	
Linda Bridgeman-Smith	Linda Dyer	Maleah Novak
Rick Sullivan	Patrick Zarate	Teri Kerns
Lori Sanjuan	Jayne Wise	Luky Maldonado
Brett O'Brien	Steve Bloch	Patrice Rogers
Judge Vlavianos	Judge Biggs	Judge Nadler
Tammy DuTemple	Chief Don Meyer	

Others Present on Call

Marchetta Dycus	Judy Foster	Victor Salinas
Cherine Hundley	Helen Ellis	Wendy Warwick
Marlies Perez	Kelly Cowger	Kurt Klemencic
Jose Gonzalez		

Welcome

Michael Cunningham opened the meeting and thanked everyone for their flexibility and understanding with having a conference call instead of a physical meeting. At the March 15 meeting the group expressed a need for representation from the judicial and criminal justice side of DUI for their opinions. Millicent welcomed Judge Carlton Biggs from Orange County Superior Courts, Judge Gary Nadler, Presiding Judge of Sonoma County, and Chief Don Meyer from Sacramento County Probation. As established through UCLA and other independent studies, research has determined that effective outcomes are achieved with criminal justice offenders when strong collaborations exist between criminal justice entities and treatment providers and educators.

Regulations

Department of Alcohol and Drug Programs held a public hearing to receive comments on proposed amendments to CCR title 9, section 9795 to section 9886 on April 11, 2011. ADP will consider information received through the public comment process and

proceed with advancing the proposed regulations accordingly. The regulations are a top priority for ADP and we are working as quickly as possible to keep this process moving forward. ADP continues working on compiling the responses received from the public comments on proposed DUI regulations. Once responses are complete, ADP will incorporate appropriate changes. If changes are made, ADP will need to put the regulations out again for another 15-day period for comment. The goal is to have the regulations on the quarterly CADPAAC agenda scheduled for September. Progress on the package will be discussed at the September Advisory Group meeting.

Website

We updated the DUI section on ADP's website with information regarding the advisory group, forms, and policy letters. You can now find meeting dates, advisory group listing, and past meeting minutes on the website.

Since the last meeting, ADP released two policy letters. DUI Letter No. 11-01 provides direction and clarifies regulations impacting program participants eligible for a fee waiver. Title 9 requires that DUI programs assess no more than $5 per month for each month that a participant is qualified for a program fee waiver. Regulations do not allow programs to collect down payment fees or enrollment/intake fees from these participants. The only additional fees programs may collect from a fee waiver participant, is a $5 dollar rescheduling fee and $10 reinstatement fee. Any fees collected from a participant or potential participant prior to enrollment must be refunded if that participant is deemed eligible for a fee waiver at the time of intake. Title 9 prohibits programs from denying services to a $5 participant

DUI Letter No. 11-02 provides information and direction for utilization of the newly revised Quarterly Licensing and Participant Enrollment reports. ADP is including a new line item on the Quarterly Licensing and Participant Enrollment reports under ‘Statistical Information’ to capture the number of active participants receiving program services for the $5 per month fee schedule. This data will provide ADP valuable information for identifying trends and providing statistical information to program stakeholders. Effective July 1, 2011, all DUI programs are required to submit quarterly data utilizing the newly revised form. ADP will continue to accept program developed versions of these reports providing the corresponding change is made. Any reports submitted after July 1, 2011 that does not incorporate the new information will be returned to the program for revision.

The policy letters released as a result of deficiencies with providers regarding $5 participants. ADP is looking into the criteria where the state is collecting $10 and provider can only collect $5 from participants. ADP looked into the history of assessing participants due to their income and why it does not include household income. In 1995, ADP changed regulations to not include income due to a lawsuit challenging the use of household income for assessing fees. ADP is aware of wait lists and is looking at the redirection to other providers that General Assistance clients are experiencing.

Strategic Highway Safety Plan - Challenge Area 1

The Strategic Highway Safety Plan (SHSP) is a result of a statewide collaborative effort that involves more than 190 active participants from 80 California public and private stakeholder groups. The collaborative created 17 Challenge Areas to address major roadway safety issues facing California. Challenge Area 1 addresses impaired driving and the fatalities they cause. Alcohol- impaired driving has the highest profile among traffic safety issues. Research shows that Health and Safety Code sanctioned DUI programs are effective in reducing the problem of drinking and driving. Despite legislative requirements that courts mandate DUI offenders to participate in licensed education programs, offenders are not referred to program. In conjunction with the Department of Motor Vehicles, the Department of Alcohol and Drug Programs will be conducting a pilot program in five counties: Alameda, Butte, Sacramento, Santa Clara, and Stanislaus, with Placer as backup. The pilot focuses on the DUI Program court referral and tracking System. After collecting 12 months of data, ADP will evaluate and summarize enrollments and completion information collected from the system and make recommendations as to replication in other counties.

Judge Nadler stated that it is possible that Sonoma County is using tracking/referral forms, however not aware since he is not the one using the forms. Millicent stated that we want his input on how to improve the participation in DUI programs. Sonoma County utilizes a two- level DUI program. There is the DUI treatment court that meets bi-weekly and the DUI compliance court which is used for 2nd and 3rd offenders. ADP would like input on how to improve the connectivity between the courts and treatment. Without the Office of Traffic Safety grant, probation would not supervise these clients. Currently there is lack of evidence based programs and this is a perfect opportunity to look into what works.

Judge Biggs operates the volunteer DUI court in Orange County which has operated for the last seven years. Because they are volunteer -for everyone that participates, there should be 3 or 4 that should be in the program. They show that recidivism goes down when they participate. Courts and programs must focus on those with high blood alcohol content and repeat offenders.

University of California San Diego (Sheldon Zhang) is conducting a study to look at the effectiveness of curriculum and the outcomes of each. The judges stated that they would like to see what a model DUI court looks like. Currently the courts cannot tell the differences between a good and bad program. This is a good time to look at DUI and its fit in the system when Healthcare Reform is instituted. What are the next steps, how do we get to the desired outcome? How do we ensure connectivity into treatment/ DUI programs? It was discussed that DUI is often the first time clients are seen. Washington State requires a two-year mandatory program for those with BAC levels of .20 or higher.

Healthcare Reform

With Healthcare Reform looming in the near future, the Advisory Group must look at how DUI will fit within the healthcare system. There may be an opportunity for treatment to be paid from the healthcare system. The DUI treatment definition must be brought forward and courts need the authority to mandate treatment and also to influence policy. How does DUI treatment apply to DUI counselor certification? Standardization of assessment and treatment will be important to DUI. In addition to treatment dollars from health care reform, prevention dollars should also be targeted.

Assessment is an important part of the DUI that is not practiced statewide. Assembly Bill (AB) 1916 requires those with multiple DUI offenses be assessed for Substance Use Disorder (SUD) treatment. However, clients were not sent to treatment due to lack of funds available for treatment. Courts collect $100 to do the assessment. Additionally AB 920 and 921 were stated to allow fees collected from a DUI recipient to fund assessment. Harvard University is building an assessment tool and is working with courts for a pilot program for utilization.

ADP must also look at the regulations and penal code for what can be mandated. (Penal Code 1463.13, 1463.14)

Next meeting

- Definition of DUI treatment and the past activities of DUI Advisory Group
- How do we improve communication with the courts, probation and treatment?