

APPENDIX L

Regulations Governing Intoxicated Driver Resource Centers

CHAPTER 162. INTOXICATED DRIVING PROGRAM

Adopted. 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). **Readopted.** R.1995 d.183, effective March 3, 1995, see 27 N.J.R. 274(a), 27 N.J.R. 1420(a); R.2000 d.151, effective April 3, 2000, see 31 N.J.R. 3949(a), 32 N.J.R. 1200(a). **Recodified from N.J.A.C. 8:66A and Readopted.** R.2005 d.351, effective September 22, 2005, see 37 N.J.R. 2628(a), 37 N.J.R. 4021(a). **Readopted.** R.2011 d.014, effective December 7, 2010, see 42 N.J.R. 1672(a), 43 N.J.R. 52(a); R.2018, d.130, effective June 5, 2018, see 49 N.J.R. 2868(a), 50 N.J.R. 1489(a)

SUBCHAPTER 1. INTOXICATED DRIVING PROGRAM/ INTOXICATED DRIVER RESOURCE CENTER

- 10:162-1.1 Purpose and scope.
- 10:162-1.2 Definitions.
- 10:162-1.3 Establishment of an Intoxicated Driver Resource Center (IDRC).

SUBCHAPTER 2. ACTIONS SUBSEQUENT TO CONVICTION FOR N.J.S.A. 39:4-50 ET SEQ. OR 39:4-50.4(A) OR 39:4-50.14 OR 12:7-57 OR 12:7-34.19 OR 12:7-46 OR 39:3-10.24 OR 39:4-14.3G

- 10:162-2.1 Notification and evaluation.
- 10:162-2.2 Report to court and the Division of Motor Vehicles following noncompliance.
- 10:162-2.3 Authorized referrals to the Intoxicated Driving Program.
- 10:162-2.4 Fees.
- 10:162-2.5 Authorized license actions.
- 10:162-2.6 Conflict of interest.
- 10:162-2.7 Intoxicated Driver Resource Center Income and Expenditure Report.
- 10:162-2.9 Confidentiality.
- 10:162-2.10 Data collection and reporting.

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

- 10:162-3.1 Scheduling.
- 10:162-3.2 Scheduling clients convicted of refusal to take a chemical test.
- 10:162-3.3 Rescheduling.
- 10:162-3.4 Forty-eight hour detainment of second offenders who have been in jail or treatment.
- 10:162-3.5 Transfers from one county to another prior to initial attendance at an Intoxicated Driver Resource Center.
- 10:162-3.6 Second offender treatment referral and monitoring.
- 10:162-3.7 Scheduling and monitoring of third and subsequent offenders.

SUBCHAPTER 4. EVALUATION AND TREATMENT PROCEDURES

- 10:162-4.1 Evaluation procedures.
- 10:162-4.2 Criteria for client referral.
- 10:162-4.3 Evaluation approval.
- 10:162-4.4 (Reserved).
- 10:162-4.5 Determining need for substance use disorder treatment and level of care.
- 10:162-4.6 Referral procedures.

APPENDIX L

SUBCHAPTER 5. TREATMENT PROGRAM AFFILIATION REQUIREMENTS

- 10:162-5.1 Affiliation and treatment program standards.
- 10:162-5.2 Revocation of affiliation.
- 10:162-5.3 (Reserved).
- 10:162-5.4 (Reserved).
- 10:162-5.5 (Reserved).
- 10:162-5.6 (Reserved).
- 10:162-5.7 (Reserved).

SUBCHAPTER 6. TREATMENT PROGRAM OPERATIONAL REQUIREMENTS

- 10:162-6.1 Intake evaluation.
- 10:162-6.2 Client intake form.
- 10:162-6.3 Length of and level of care for substance use disorder treatment.
- 10:162-6.4 Treatment plan.
- 10:162-6.5 Failure to comply with treatment requirements.
- 10:162-6.6 (Reserved).
- 10:162-6.7 (Reserved).
- 10:162-6.8 (Reserved).
- 10:162-6.9 Evaluation of client progress.
- 10:162-6.10 (Reserved).
- 10:162-6.11 Family involvement.
- 10:162-6.12 Client transfers from one treatment program to another.
- 10:162-6.13 Final client treatment release, evaluation, and request for payment.
- 10:162-6.14 Client treatment procedures.
- 10:162-6.15 (Reserved).
- 10:162-6.16 Treatment costs.
- 10:162-6.17 Treatment programs.
- 10:162-6.18 Treatment after arrest.

SUBCHAPTER 7. CLIENT CONDUCT

- 10:162-7.1 Intoxication at the Intoxicated Driver Resource Center.
- 10:162-7.2 Improper client conduct at Intoxicated Driver Resource Center or Intoxicated Driving Program.

SUBCHAPTER 8. CLIENT NON-COMPLIANCE PROCEDURES

- 10:162-8.1 Failure to attend the Intoxicated Driver Resource Center/Intoxicated Driving Program or pay the required fees.
- 10:162-8.2 Failure to contact treatment facility.
- 10:162-8.3 Failure to comply with the treatment program.
- 10:162-8.4 Other noncompliance.
- 10:162-8.5 Failure to follow noncompliance procedures.
- 10:162-8.6 Conditions for a request for restoration of a client's driving privileges.
- 10:162-8.7 Noncompliance with treatment.
- 10:162-8.8 Proof of mailing; change of address.

SUBCHAPTER 9. MISCELLANEOUS OFFENDERS

- 10:162-9.1 Multiple offenders.
- 10:162-9.2 Out-of-State offenders.
- 10:162-9.3 New Jersey residents convicted in a foreign state.
- 10:162-9.4 New Jersey clients who move out-of-State.
- 10:162-9.5 Intoxicated boaters.

SUBCHAPTER 10. ALCOHOL TREATMENT PROGRAM FUND GRANTS

- 10:162-10.1 Form and manner in which application for provider service contracts to the fund shall be made.
- 10:162-10.2 Length of provider service contracts.
- 10:162-10.3 Criteria for approved sub-grantee eligibility.
- 10:162-10.4 Funding priorities.

SUBCHAPTER 11. INTOXICATED DRIVER RESOURCE CENTER PER DIEM FEE INCREASES

- 10:162-11.1 Criteria for Intoxicated Driver Resource Center per diem fee increases.
- 10:162-11.2 Minimum interval between requests.
- 10:162-11.3 Individual or group requests prohibited.

SUBCHAPTER 1. INTOXICATED DRIVING PROGRAM/ INTOXICATED DRIVER RESOURCE CENTER

10:162-1.1 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 affiliated treatment programs, and the Department of Health, and all individuals convicted in New Jersey or New Jersey licensees convicted in other states 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. R. 1995 d. 183, effective April 3, 1995, see 27 N.J.R. 274(a), 27 N.J.R. 1420(a). **Recodified from N.J.A.C. 8:66A-1.1 and Amended.** R.2005 d.351, effective October 17, 2005, see 37 N.J.R. 2628(a), 37 N.J.R. 4021(a). **Amended.** R.2018 d.130, effective July 2, 2018. see 49 N.J.R. 2868(a), 50 N.J.R. 1489(a).

10:162-1.2 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 a Department-licensed substance use disorder treatment agency or a licensed healthcare practitioner or professional affiliated with an Intoxicated Driver Resource Center to provide substance use disorder treatment services for the education, rehabilitation, and treatment of clients.

“Affiliation agreement” means a written agreement between an Intoxicated Driver Resource Center and a Department-licensed substance use disorder treatment agency or a licensed healthcare practitioner or professional establishing the terms of the relationship and provision of treatment services for individuals with driving under the influence convictions or driving under the influence-related convictions.

“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.

“Approved grantee” means an eligible applicant awarded a provider service contract or subcontract pursuant to N.J.A.C. 10:162-10.

“ASAM Criteria” means the criteria developed by the American Society of Addiction Medicine as contained in the ASAM Criteria, Treatment Criteria for Addictive, Substance-Related, and Co-Occurring Conditions, Third Edition, 2013, which is incorporated herein by reference, as amended and supplemented, which can be obtained from the ASAM Publications Center, Tel: 1-800-844-8948, www.asam.org.

“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.

“Coordinating grantee” means an entity authorized by the Division to administer the distribution of funds to approved sub-grantees or to itself to provide services and receive payment pursuant to N.J.A.C. 10:162-6.13(c) and (d) and 10:162-10.

“Counselor” means a person certified or licensed by the New Jersey Division of Consumer Affairs, State Board of Marriage and Family Therapy Examiners, Alcohol and Drug Counselor Committee, as required by N.J.S.A. 45:2D-1 et seq. and N.J.A.C. 13:34C, or a counselor-intern pursuing certification or licensure pursuant to N.J.A.C. 13:34C-6.2.

“Covered treatment episode” means a course of alcohol or drug treatment, including intake evaluation conducted pursuant to N.J.A.C. 10:162-6.1, for which there is documentation of clinical necessity and which takes place as a result of a court order from a conviction for an alcohol or drug related offense as defined in N.J.A.C. 10:162-1.2, or a referral from the Intoxicated Driving Program or an Intoxicated Driver Resource Center pursuant to N.J.A.C. 10:162-2.3, or a course of alcohol or drug treatment, including intake, for others defined as eligible recipients.

“Department” means the New Jersey Department of Health.

“Detoxification” means the provision of care, usually short-term, prescribed by a physician and conducted under medical supervision, for the purpose of withdrawing a person from a specific psychoactive substance in a safe and effective manner according to established written medical protocols and the ASAM Criteria. This term is synonymous with “withdrawal management” as referenced in the ASAM Criteria.

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

“Director” means the Assistant Commissioner or successor official who serves as head of the Division.

“Division” means the Division of Mental Health and Addiction Services in the Department.

“Driving under the influence (DUI)” means any offense related to drunk driving, impaired driving, intoxicated driving, driving under the influence or driving while intoxicated, as defined in the applicable statute, or such other offenses as may require referral to an Intoxicated Driver Resource Center, and is interchangeable with the term “DWI” for the purpose of this chapter.

“Eligible applicant” means an entity qualified to administer the distribution of funds to approved sub-grantees for achieving the purpose of this chapter and/or an entity providing inpatient, intensive outpatient, or outpatient treatment licensed pursuant to N.J.S.A. 26:2B-14, 26:2G-23, and/or 26:2H-1 et seq., and N.J.A.C. 8:43A-26, 10:161A, and/or 10:161B, and affiliated in good standing with the Intoxicated Driver Resource Center pursuant to N.J.S.A. 39:4-50(f) and N.J.A.C. 10:162-5.

“Eligible recipient” means a person required to satisfy the requirements of the Intoxicated Driving Program and the Intoxicated Driver Resource Centers pursuant to N.J.S.A. 39:4-50 et seq. and N.J.A.C. 10:162-2.1, or authorized to be referred to the Intoxicated Driving Program pursuant to N.J.A.C. 10:162-2.3, and who meets the criteria of eligibility established in N.J.A.C. 10:162-6.16(c) and priorities established in N.J.A.C. 10:162-10.4(a) through (d), or other person in need of alcohol or drug abuse treatment who meets the criteria of eligibility established in N.J.A.C. 10:162-6.16(c) and 10.4(e).

“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.

“48-hour program” means the IDRC program for offenders sentenced by a court to 48 consecutive hours of attendance.

“Fund” means monies deposited or accrued in the Alcohol Treatment Programs Fund pursuant to N.J.S.A. 26:2B-9.2 et seq.

“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).

“Individual provider” means a person engaged in the practice of alcohol and drug counseling licensed or certified by the Alcohol and Drug Counselor Committee pursuant to P.L. 1997, c.331, approved January 9, 1998.

“Inpatient treatment” means treatment for alcohol and/or drug dependence within a short-term or long-term residential substance use disorder treatment facility licensed by the Department.

“Intensive outpatient treatment” means the type of treatment that approximates ASAM Criteria Level 2.1.

“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” or “IDRC” means the personnel and facilities designated and established by the county, and 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 substance use disorder-related problem and that monitor and report on referrals to approved treatment programs.

"Intoxicated Driving Program" or "IDP" means the unit within the Division of Mental Health and Addiction Services responsible for managing and coordinating court-mandated requirements for individuals with driving under the influence convictions or driving under the influence-related convictions and monitoring services provided by IDRCs.

"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 the type of substance use disorder treatment that approximates ASAM Criteria Level 1.

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

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

"Sub-grantee" means an entity licensed pursuant to N.J.S.A. 26:2B-14, 26:2G-23, and/or 26:2H-1 et seq., and N.J.A.C. 8:43A-26, 10:161A, and/or 10:161B, or any successor rules governing the operation of substance use disorder treatment facilities that provides direct treatment services as defined in this chapter to eligible recipients through a subcontract with a coordinating grantee.

"Substance use disorder" is evidenced by a cluster of cognitive, behavioral, and physiological symptoms that indicate that the person continues to use a substance (for example, alcohol, drugs) despite the presence of significant substance-related impairments and problems. See American Psychiatric Association: Diagnostic and Statistical Manual of Mental Disorders, fifth edition, Arlington, VA, American Psychiatric Association, 2013. The Diagnostic and Statistical Manual of Mental Disorders (DSM), fifth edition, published by the American Psychiatric

Association, which is incorporated herein by reference, as amended and supplemented, shall be used as a guide in evaluating persons under this definition.

“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, and care for, a client’s substance use disorder or related problems with the use of alcohol or drugs.

“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 education and/or substance use disorder evaluation and/or treatment.

Amended. R.1995 d.183, effective April 3, 1995, see 27 N.J.R. 274(a), 27 N.J.R. 1420(a). **Recodified from N.J.A.C. 8:66A-1.2 and amended.** R.2005 d.351, effective October 17, 2005, see 37 N.J.R. 2628(a), 37 N.J.R. 4021(a). **Amended.** R.2018 d.130, effective July 2, 2018. see 49 N.J.R. 2868(a), 50 N.J.R. 1489(a).

10:162-1.3 Establishment of an Intoxicated Driver Resource Center (IDRC). (a) Subject to the approval of the Division of Mental Health and Addiction Services, the counties shall, with its cooperation, designate and 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.

1. Each county shall designate and establish a 12-hour IDRC and a 48-hour IDRC.

i. The 12-hour IDRC shall detain assigned clients for no less than six hours each day during two consecutive days.

ii. The 48-hour IDRC shall detain assigned clients for 48-consecutive hours.

2. The Division of Mental Health and Addiction Services shall review county designations of 12-hour and 48-hour IDRCs every two years.

3. During the Division of Mental Health and Addictions Services review and approval process for the county-designated 12-hour IDRCs, each county shall submit the following information to the Intoxicated Driving Program:

i. Name and address of the IDRC;

ii. Name and qualifications of the IDRC administrator. Documentation verifying the appropriate qualifications shall include, but are not limited to, copies of a current resume and any professional certifications and licenses;

iii. Copy of any resolution designating the IDRC;

iv. Copy of the contract between the county and the IDRC;

v. Written notification regarding conflict of interest determinations as required by N.J.A.C. 10:162-2.6;

vi. Copy of the IDRC’s table of organization;

vii. List of IDRC staff, IDRC contracted staff, and IDRC consultants with titles, qualifications, and job descriptions;

viii. Copy of the IDRC class schedule with dates, times, and locations of classes for at least six months and maximum number of attendees for classes;

ix. Description of public transportation to the IDRC, including type and proximity to transportation sites;

x. List of affiliated treatment agencies; and

xi. Copies of written policies pertaining to the following:

(1) Class access for the following special populations: individuals with communication disabilities (for example, vision, hearing, or speech), individuals

with physical or mental disabilities, and individuals with limited English proficiency;

- (2) Maintenance and safeguarding of client records and information; and
- (3) Handling of referrals to affiliated treatment agencies.

4. During the Division of Mental Health and Addictions Services review and approval process for the county-designated 48-hour IDRCs, each county shall submit the information listed at (a)3 above and the following additional information to the Intoxicated Driving Program:

- i. Description of overnight accommodations;
- ii. Written acknowledgement that the 48-hour IDRC facility is in compliance with all applicable codes governing building, fire, safety, and health requirements in the State, county, and municipality in which it resides; and
- iii. Copies of written policies pertaining to the following:
 - (1) Handling of medical emergencies and medication storage; and
 - (2) Supervision and security measures provided during the 48-hour time period.

5. The IDRC must be administered by a certified alcohol and drug counselor or other certified or licensed healthcare practitioner or professional with a minimum of five years experience in the treatment of substance use disorders.

6. The IDRC must make every effort to schedule classes as frequently as necessary in order to ensure that clients have an opportunity to attend class prior to the expiration of their license suspension.

(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.

Adopted. R.1995 d.183, effective April 3, 1995, see 27 N.J.R. 274(a), 27 N.J.R. 1420(a). **Recodified from N.J.A.C. 8:66A-1.3.** R.2005 d.351, effective October 17, 2005, see 37 N.J.R. 2628(a), 37 N.J.R. 4021(a). **Amended.** R.2018 d.130, effective July 2, 2018, see 49 N.J.R. 2868(a), 50 N.J.R. 1489(a). **Modified by Executive Order No. 103(2020).** Effective May 21, 2020, see 52 N.J.R. 1314(a).

SUBCHAPTER 2. ACTIONS SUBSEQUENT TO CONVICTION FOR N.J.S.A. 39:4-50 ET SEQ. OR 39:4-50.4(A) OR 39:4-50.14 OR 12:7-57 OR 12:7-34.19 OR 12:7-46 OR 39:3-10.24 OR 39:4-14.3G

10:162-2.1 Notification and evaluation. (a) The Intoxicated Driving Program shall be notified of every conviction for violation of N.J.S.A. 39:4-50 et seq., 39:4-50.4(a), 39:4-50.14, 12:7-54, 12:7-34.19, 12:7-46, 12:7-57, 39:4-14.3g, and 39:3-10.24 by 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. 10:162-2.3, for attendance at an appropriate Intoxicated Driver Resource Center.

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

1. Evaluate, detain if appropriate and interview all persons referred to the Intoxicated Driver Resource Center by the Intoxicated Driver 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. R.1995 d. 183, effective April 3, 1995, see 27 N.J.R. 274(a), 27 N.J.R. 1420(a).
Recodified from N.J.A.C. 8:66A-2.1 and amended. R.2005 d.351, effective October 17, 2005, see 37 N.J.R. 2628(a), 37 N.J.R. 4021(a).

10:162-2.2 Report to court and the Division of Motor Vehicles following noncompliance. (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 affiliated agency or provider shall result in a report of noncompliance to the sentencing court and the Division of Motor Vehicles for appropriate action pursuant to N.J.S.A. 39:4-50(b).

Amended. R.1995 d.183, effective April 3, 1995, see 27 N.J.R. 274(a), 27 N.J.R. 1420(a).
Recodified from N.J.A.C. 8:66A-2.2. R.2005 d.351, effective October 17, 2005, see 37 N.J.R. 2628(a), 37 N.J.R. 4021(a).

10:162-2.3 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 as a result of the misuse of alcohol and/or drugs. The Intoxicated Driving Program may schedule an interview with the referred individual at an appropriate Intoxicated Driver Resource Center or at the Office of 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 recommendation to the Division of Motor Vehicles for appropriate action.

(b) The Intoxicated Driving Program may receive referrals from any Division of Motor Vehicles 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 Division of Motor Vehicles hearing to a treatment or a rehabilitation program.

Amended R.1995 d.183, effective April 3, 1995, see 27 N.J.R. 274(a), 27 N.J.R. 1420(a).
Recodified from N.J.A.C. 8:66A-2.3. R.2005 d.351, effective October 17, 2005, see 37 N.J.R. 2628(a), 37 N.J.R. 4021(a).

10:162-2.4 Fees. Fees shall be paid as provided for at N.J.S.A. 39:4-50, 39:4-50.4, 39:4-50.14, 39:4-14.3g, 12:7-57, 12:7-34.19, 12:7-46, and 39:3-10.24 or any amendment thereto and shall be payable as designated by the Division from every person each time the person is convicted of a relevant 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 on or after October 9, 1986, and upon referral or evaluation to the Intoxicated Driver Resource Center and the Intoxicated Driving Program if the conviction occurred prior to October 9, 1986.

Amended. R.1995 d.183, effective April 3, 1995, see 27 N.J.R. 274(a), 27 N.J.R. 1420(a). **Recodified from N.J.A.C. 8:66A-2.4 and amended.** R.2005 d.351, effective October 17, 2005, see 37 N.J.R. 2628(a), 37 N.J.R. 4021(a). **Amended.** R.2018 d.130, effective July 2, 2018. see 49 N.J.R. 2868(a), 50 N.J.R. 1489(a).

10:162-2.5 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. Restoration of New Jersey driving privileges upon termination of a court-imposed suspension based on satisfaction of Intoxicated Driving Program and Intoxicated Driver Resource Center program requirements; 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.

Recodified from N.J.A.C. 8:66A-2.5. R.2005 d.351, effective October 17, 2005, see 37 N.J.R. 2628(a), 37 N.J.R. 4021(a).

10:162-2.6 Conflict of interest. The county freeholders, through the county counsel or solicitor, shall be responsible for making an initial determination of whether a conflict of interest exists with respect to the management and staff of an Intoxicated Driver Resource Center. The county shall be responsible for eliminating such a conflict of interest, in accordance with N.J.S.A. 40A:9-22.1 et seq., and/or county conflict of interest standards. The county counsel or solicitor 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 the Intoxicated Driving Program prior to initiating the change. If an Intoxicated Driver Resource Center wishes to employ staff who are also working for an affiliated 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. If, in its discretion, the Intoxicated Driving Program determines that a conflict of interest still exists after county review and action, it may refer the matter to the Commissioner of Health, to the Local Finance Board in the Department of Community Affairs or to the Attorney General for advice or action, as appropriate.

Recodified from N.J.A.C. 8:66A-2.6 and amended. R.2005 d.351, effective October 17, 2005, see 37 N.J.R. 2628(a), 37 N.J.R. 4021(a). **Amended.** R.2018 d.130, effective July 2, 2018. see 49 N.J.R. 2868(a), 50 N.J.R. 1489(a).

10:162-2.7 Intoxicated Driver Resource Center Income and Expenditure Report. (a) No later than April 1 of each calendar year, each Intoxicated Driver Resource Center shall submit to the Intoxicated Driving Program and their

county-designating authority (for example, Board of Freeholders) a detailed income and expenditure report for the previous calendar year, which shall include:

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. R.1995 d.183, effective April 3, 1995, see 27 N.J.R. 274(a), 27 N.J.R. 1420(a). **Recodified from N.J.A.C. 8:66A-2.7.** R.2005 d.351, effective October 17, 2005, see 37 N.J.R. 2628(a), 37 N.J.R. 4021(a). **Amended.** R.2018 d.130, effective July 2, 2018, see 49 N.J.R. 2868(a), 50 N.J.R. 1489(a).

10:162-2.8 Curriculum. (a) The Chief of the Intoxicated Driving Program shall prescribe the educational curriculum for use by the Intoxicated Driver Resource Center.

1. In order to make changes to the prescribed educational curriculum or to use an alternate educational curriculum, the Intoxicated Driver Resource Center must seek and obtain the approval of the Chief of the Intoxicated Driving Program.

2. Suggestions for changes to the prescribed educational curriculum or requests to use an alternate educational curriculum shall be submitted in writing by the Intoxicated Driver Resource Center Director with approval of the county designating authority to the Chief of the Intoxicated Driving Program.

3. The Chief of the Intoxicated Driving Program shall have the authority to alter and approve the proposed changes to the prescribed educational curriculum or alternate educational curriculum after consultation with the Intoxicated Driver Resource Center Director(s).

(b) The Intoxicated Driver Resource Center Director shall identify staff responsible for instructing clients on the educational curriculum.

1. The Intoxicated Driver Resource Center Director and identified education staff shall be certified by the IDP, or its designee, to provide the educational curriculum used by the Intoxicated Driver Resource Center.

2. The Intoxicated Driver Resource Center Director and identified education staff shall attend educational curriculum training(s) provided by the Intoxicated Driving Program or its designee.

Recodified from N.J.A.C. 8:66A-2.8. R.2005 d.351, effective October 17, 2005, see 37 N.J.R. 2628(a), 37 N.J.R. 4021(a). **Amended.** R.2018 d.130, effective July 2, 2018, see 49 N.J.R. 2868(a), 50 N.J.R. 1489(a).

10:162-2.9 Confidentiality. (a) The Intoxicated Driver Resource Center shall keep client information and records confidential in accordance with any and all applicable Federal and State laws, rules, and regulations including, but not limited to, the Health Insurance Portability and Accountability Act (HIPAA), 45 CFR

Parts 160 and 164, and the Confidentiality of Alcohol and Drug Abuse Patient Records, 42 CFR Part 2.

(b) The Intoxicated Driver Resource Center shall establish and implement policies and procedures for the maintenance, preservation, and safeguarding of client records and information, which shall be reviewed at least bi-annually by the Director. These policies and procedures shall address, at a minimum, the following: protection of client records and information from loss, tampering, alteration, and unauthorized use or disclosure; retention and destruction of client records and information; and the transfer of client records and information to other Intoxicated Driver Resource Centers, affiliated providers, or other health care entities.

Recodified from N.J.A.C. 8:66A-2.9. R.2005 d.351, effective October 17, 2005, see 37 N.J.R. 2628(a), 37 N.J.R. 4021(a). **Amended.** R.2018 d.130, effective July 2, 2018. see 49 N.J.R. 2868(a), 50 N.J.R. 1489(a).

10:162-2.10 Data collection and reporting. The Intoxicated Driver Resource Centers shall input and report client information and status, and such additional client and service data as the Intoxicated Driving Program may require, through a Division-approved and designated computer system.

Recodified from N.J.A.C. 8:66A-2.10. R.2005 d.351, effective October 17, 2005, see 37 N.J.R. 2628(a), 37 N.J.R. 4021(a). **Amended.** R.2018 d.130, effective July 2, 2018. see 49 N.J.R. 2868(a), 50 N.J.R. 1489(a).

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

10:162-3.1 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.

Recodified from N.J.A.C. 8:66A-3.1. R.2005 d.351, effective October 17, 2005, see 37 N.J.R. 2628(a), 37 N.J.R. 4021(a).

10:162-3.2 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.

Recodified from N.J.A.C. 8:66A-3.2. R.2005 d.351, effective October 17, 2005, see 37 N.J.R. 2628(a), 37 N.J.R. 4021(a).

10:162-3.3 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 through 4 above shall be proved by suitable 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. R.1995 d.183, effective April 3, 1995, see 27 N.J.R. 274(a), 27 N.J.R. 1420(a).

Recodified from N.J.A.C. 8:66A-3.3. R.2005 d.351, effective October 17, 2005, see 37 N.J.R. 2628(a), 37 N.J.R. 4021(a). **Modified by Executive Order No. 103(2020).** Effective May 21, 2020, see 52 N.J.R. 1314(a).

10:162-3.4 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 a 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 Driving Program for a first offender program in his or her county of residence. All other second offenders shall be scheduled for evaluation, education and referral at the 48-hour program as specified in (a) above.

(c) A second offender who voluntarily attends any licensed inpatient treatment facility, whether or not affiliated with an Intoxicated Driver Resource Center, 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.

Recodified from N.J.A.C. 8:66A-3.4. R.2005 d.351, effective October 17, 2005, see 37 N.J.R. 2628(a), 37 N.J.R. 4021(a). **Modified by Executive Order No. 103(2020).** Effective May 21, 2020, see 52 N.J.R. 1314(a).

10:162-3.5 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. R.1995 d.183, effective April 3, 1995, see 27 N.J.R. 274(a), 27 N.J.R. 1420(a). **Recodified from N.J.A.C. 8:66A-3.5.** R.2005 d.351, effective October 17, 2005, see 37 N.J.R. 2628(a), 37 N.J.R. 4021(a).

10:162-3.6 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. R.1995 d.183, effective April 3, 1995, see 27 N.J.R. 274(a), 27 N.J.R. 1420(a). **Recodified from N.J.A.C. 8:66A-3.6.** R.2005 d.351, effective October 17, 2005, see 37 N.J.R. 2628(a), 37 N.J.R. 4021(a).

10:162-3.7 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. 10:162-4.2, and N.J.A.C. 10:162-4.5. Third and subsequent offenders shall be monitored by the Intoxicated Driver Resource Center for one full year from the time the client begins treatment.

Adopted. R.1995 d.183, effective April 3, 1995, see 27 N.J.R. 274(a), 27 N.J.R. 1420(a). **Recodified from N.J.A.C. 8:66A-3.7 and amended.** R.2005 d.351, effective October 17, 2005, see 37 N.J.R. 2628(a), 37 N.J.R. 4021(a).

SUBCHAPTER 4. EVALUATION AND TREATMENT PROCEDURES

10:162-4.1 Evaluation procedures. (a) During the first offender program or the 48-hour program, IDRC staff shall distribute to each client, for completion, the Intoxicated Driver Program Questionnaire ("evaluation instrument"), which is a self-administered drinking and driving inventory that addresses the following areas: quantity/frequency of alcohol intake, current binge behavior, symptomatic drinking, spouse-relative problems, friend-neighbor problems, job problems, law and accident problems, health problems, financial problems, belligerent drinking, and dependency.

(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) 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, 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.

Recodified from N.J.A.C. 8:66A-4.1 and amended. R.2005 d.351, effective October 17, 2005, see 37 N.J.R. 2628(a), 37 N.J.R. 4021(a). **Amended.** R.2018 d.130, effective July 2, 2018. see 49 N.J.R. 2868(a), 50 N.J.R. 1489(a).

10:162-4.2 Criteria for client referral. (a) The purpose of the Intoxicated Driver Resource Center screening is to identify clients who may have a substance use disorder or who need a structured intervention into their alcohol or drug use.

(b) A referral for further evaluation by the Intoxicated Driver Resource Center or Intoxicated Driving Program shall take into consideration the following facts as relevant to a client's need for 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 the answers recorded on the evaluation instrument based on the definition of substance use disorder;
4. Any prior outpatient or inpatient substance use disorder treatment;
5. Any prior self-help group attendance for a substance use disorder or related to alcohol or drug use;
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 substance use disorder 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 has, or may have, a substance use disorder is sufficient to refer a client for further evaluation;
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;

9. Age. The age of an offender may be considered as a factor, but only in addition to other criteria listed in this subsection indicating the appropriateness of a referral for further evaluation;

10. Test results. The results of any current or prior alcohol and/or drug tests indicating the presence of alcohol and/or drugs in the client's system (for example, blood, hair, saliva, urine); or

11. As otherwise clinically indicated, with documentation supporting the need for further evaluation.

Amended. R.1995 d.183, effective April 3, 1995, see 27 N.J.R. 274(a), 27 N.J.R. 1420(a). **Recodified from N.J.A.C. 8:66A-4.2.** R.2005 d.351, effective October 17, 2005, see 37 N.J.R. 2628(a), 37 N.J.R. 4021(a). **Amended.** R.2018 d.130, effective July 2, 2018, see 49 N.J.R. 2868(a), 50 N.J.R. 1489(a).

Cross References. Nonreferral, documentation, see N.J.A.C. 10:162-4.3.

10:162-4.3 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. 10:162-4.2(b) then documentation must be provided to support the nonreferral.

Recodified from N.J.A.C. 8:66A-4.3 and amended. R.2005 d.351, effective October 17, 2005, see 37 N.J.R. 2628(a), 37 N.J.R. 4021(a).

10:162-4.4 (Reserved)

Repealed. R.1995 d.183, effective April 3, 1995, see 27 N.J.R. 274(a), 27 N.J.R. 1420(a).

10:162-4.5 Determining need for substance use disorder treatment and level of care. (a) In determining the need for substance use disorder treatment and identifying the appropriate level of care, the affiliated treatment agency shall:

1. Make a determination based upon the ASAM criteria and a DSM diagnosis;
2. Utilize a SAMHSA-approved, evidence-based, validated assessment tool; and
3. Ensure that only affiliated treatment agency staff possessing the appropriate clinical background, education, and qualifications perform and provide the diagnosis and assessment.

Recodified from N.J.A.C. 8:66A-4.5. R.2005 d.351, effective October 17, 2005, see 37 N.J.R. 2628(a), 37 N.J.R. 4021(a). **Amended.** R.2018 d.130, effective July 2, 2018, see 49 N.J.R. 2868(a), 50 N.J.R. 1489(a).

10:162-4.6 Referral procedures. (a) The Intoxicated Driver Resource Center shall provide each client referred for evaluation with a list of affiliated treatment agencies. The list shall reflect the following items:

1. Name of program;
2. Location;
3. Days/times of operation;
4. Type of treatment and type of counseling; and
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. Any refusal, unwillingness, or failure by a client to choose a program shall be cause for a finding of non-compliance.

(c) 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.

(d) All clients referred to treatment shall sign a records release authorization prior to leaving the Intoxicated Driver Resource Center in order to allow the Court, the Intoxicated Driver Resource Center, the Intoxicated Driving Program, the Division, the Division of Motor Vehicles, the client's attorney, the treatment program, and other specifically named individuals or entities to exchange information.

(e) 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.

Amended. R.1995 d.183, effective April 3, 1995, see 27 N.J.R. 274(a), 27 N.J.R. 1420(a). **Recodified from N.J.A.C. 8:66A-4.6.** R.2005 d.351, effective October 17, 2005, see 37 N.J.R. 2628(a), 37 N.J.R. 4021(a). **Amended.** R.2018 d.130, effective July 2, 2018, see 49 N.J.R. 2868(a), 50 N.J.R. 1489(a).

SUBCHAPTER 5. TREATMENT PROGRAM AFFILIATION REQUIREMENTS

10:162-5.1 Affiliation and treatment program standards. (a) In order for an Intoxicated Driver Resource Center client to receive substance use disorder treatment at a Department-licensed substance use disorder treatment agency or by a licensed healthcare practitioner/professional, the IDRC and the Department-licensed substance use disorder treatment agency or licensed health care practitioner/professional must execute an affiliation agreement.

(b) The affiliation agreement between the IDRC and the Department-licensed substance use disorder treatment agency shall include and be facilitated by the IDP.

(c) The affiliation agreement between the IDRC and a licensed health care practitioner/professional shall be the responsibility of the IDRC. The IDRC shall delineate and define the contents of the written affiliation agreement, except that the minimum requirements set forth at (c)1 below must be included within the affiliation agreement.

1. Any affiliation agreement between an Intoxicated Driver Resource Center and a healthcare practitioner/professional to provide substance use disorder treatment services to clients must, at a minimum, include the following standards:

i. Conformance with N.J.S.A. 39:4-50 et seq., 45:2D-1 et seq., 26:2H-1 et seq., and 40A:9-22.1 et seq., and this chapter, as appropriate;

ii. Acknowledgement that the healthcare practitioner/professional possesses the appropriate educational qualifications and proper license and/or credentials to provide substance use disorder treatment services;

iii. Maintenance of a fee schedule, including any sliding fee schedule;

iv. Provision of the address, telephone number, hours of operation, and contact person for each office location;

v. A written description of the treatment program vision and mission, program requirements, and treatment modalities, including ASAM criteria level of care designations for treatment services offered; and

vi. Provision of copies of commercial liability insurance and individual or agency professional liability insurance, as appropriate.

(d) 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.

(e) All affiliated treatment programs and healthcare practitioners/professionals shall input and report client information and status, and such additional client and service data as the Intoxicated Driving Program may require, to the Division through a Division-approved and designated computer system.

Amended. R.1995 d.183, effective April 3, 1995, see 27 N.J.R. 274(a), 27 N.J.R. 1420(a). **Recodified from N.J.A.C. 8:66A-5.1 and amended.** R.2005 d.351, effective October 17, 2005, see 37 N.J.R. 2628(a), 37 N.J.R. 4021(a). **Amended.** R.2018 d.130, effective July 2, 2018, see 49 N.J.R. 2868(a), 50 N.J.R. 1489(a).

10:162-5.2 Handling of complaints to the IDP. Upon receipt of a complaint, notification, or allegation of a violation of law, rule, or affiliation agreement by affiliated treatment agencies, the Intoxicated Driving Program shall refer and report such complaint, notification, or allegation to the applicable IDRC, county designating authority, and/or relevant Federal, State and local agencies, as appropriate.

Recodified from N.J.A.C. 8:66A-5.7. R.2005 d.351, effective October 17, 2005, see 37 N.J.R. 2628(a), 37 N.J.R. 4021(a). **Repeal and new rule.** R.2018 d.130, effective July 2, 2018, see 49 N.J.R. 2868(a), 50 N.J.R. 1489(a). **Recodified from N.J.A.C. 10:162-5.7 and amended.** R.2018 d.130, effective July 2, 2018, see 49 N.J.R. 2868(a), 50 N.J.R. 1489(a); former N.J.A.C. 10:162-5.2, repealed.

10:162-5.3 (Reserved).

Amended. R.1995 d.183, effective April 3, 1995, see 27 N.J.R. 274(a), 27 N.J.R. 1420(a). **Recodified from N.J.A.C. 8:66A-5.3 and amended.** R.2005 d.351, effective October 17, 2005, see 37 N.J.R. 2628(a), 37 N.J.R. 4021(a). **Repealed.** R.2018 d.130, effective July 2, 2018, see 49 N.J.R. 2868(a), 50 N.J.R. 1489(a).

10:162-5.4 (Reserved).

Recodified from N.J.A.C. 8:66A-5.4. R.2005 d.351, effective October 17, 2005, see 37 N.J.R. 2628(a), 37 N.J.R. 4021(a). **Repealed.** R.2018 d.130, effective July 2, 2018, see 49 N.J.R. 2868(a), 50 N.J.R. 1489(a).

10:162-5.5 (Reserved).

Recodified from N.J.A.C. 8:66A-5.5 and amended. R.2005 d.351, effective October 17, 2005, see 37 N.J.R. 2628(a), 37 N.J.R. 4021(a). **Repealed.** R.2018 d.130, effective July 2, 2018, see 49 N.J.R. 2868(a), 50 N.J.R. 1489(a).

10:162-5.6 (Reserved).

Recodified from N.J.A.C. 8:66A-5.6 and amended. R.2005 d.351, effective October 17, 2005, see 37 N.J.R. 2628(a), 37 N.J.R. 4021(a). **Repealed.** R.2018 d.130, effective July 2, 2018, see 49 N.J.R. 2868(a), 50 N.J.R. 1489(a).

10:162-5.7 (Reserved).

Recodified from N.J.A.C. 8:66A-5.7. R.2005 d.351, effective October 17, 2005, see 37 N.J.R. 2628(a), 37 N.J.R. 4021(a). **Repealed.** R.2018 d.130, effective July 2, 2018, see 49 N.J.R. 2868(a), 50 N.J.R. 1489(a).

SUBCHAPTER 6. TREATMENT PROGRAM OPERATIONAL REQUIREMENTS

10:162-6.1 Intake evaluation. (a) Each Intoxicated Driver Resource Center client or DUI offender sentenced by a court to treatment in place of jail 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, and, if the provider is an approved grantee, to determine if the client is an eligible recipient.

(b) The treatment program shall conduct an independent evaluation of the client's need for treatment that addresses the six ASAM criteria dimensions. 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 by the treatment program to need treatment, a treatment plan shall be developed and a copy of the plan shall be provided to the client. The treatment agency shall establish a written, signed 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, the Motor Vehicle Commission, the client's attorney, and the treatment program/approved grantee and coordinating grantee, as appropriate, 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.

(d) When determining whether a client is an eligible recipient, an approved grantee shall require proof of income and, when applicable, documentation of medical indigency status pursuant to N.J.A.C. 10:162-6.16(c) in the form of the prior year's tax returns, pay stubs, or other documentation deemed suitable by the Division.

Recodified from N.J.A.C. 8:66A-6.1 and amended. R.2005 d.351, effective October 17, 2005, see 37 N.J.R. 2628(a), 37 N.J.R. 4021(a). **Amended.** R.2018 d.130, effective July 2, 2018. see 49 N.J.R. 2868(a), 50 N.J.R. 1489(a).

10:162-6.2 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.

Recodified from N.J.A.C. 8:66A-6.2. R.2005 d.351, effective October 17, 2005, see 37 N.J.R. 2628(a), 37 N.J.R. 4021(a).

10:162-6.3 Length of and level of care for substance use disorder treatment. The length of treatment shall be for a duration of time that is clinically necessary. The level of care identified for a client must be supported by ASAM criteria and a DSM diagnosis.

Recodified from N.J.A.C. 8:66A-6.3. R.2005 d.351, effective October 17, 2005, see 37 N.J.R. 2628(a), 37 N.J.R. 4021(a). **Amended.** R.2018 d.130, effective July 2, 2018. see 49 N.J.R. 2868(a), 50 N.J.R. 1489(a).

10:162-6.4 Treatment plan. (a) The purpose of the treatment plan is to provide information and personal insight to the client so that he or she will recognize the extent of his or her substance use disorder and acquire the basic tools to begin recovery and maintain sobriety, if such a goal is part of the plan.

(b) A treatment plan shall include the following:

1. Education on substance use disorders and alcohol and drug use in conjunction with driving;
2. Information on the effects of substance use disorders 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 client of any confidentiality protection to which he or she is entitled.

Recodified from N.J.A.C. 8:66A-6.4. R.2005 d.351, effective October 17, 2005, see 37 N.J.R. 2628(a), 37 N.J.R. 4021(a). **Amended.** R.2018 d.130, effective July 2, 2018. see 49 N.J.R. 2868(a), 50 N.J.R. 1489(a).

10:162-6.5 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.

Recodified from N.J.A.C. 8:66A-6.5. R.2005 d.351, effective October 17, 2005, see 37 N.J.R. 2628(a), 37 N.J.R. 4021(a). **Modified by Executive Order No. 103(2020).** Effective May 21, 2020, see 52 N.J.R. 1314(a).

10:162-6.6 (Reserved).

Amended. R.1995 d.183, effective April 3, 1995, see 27 N.J.R. 274(a), 27 N.J.R. 1420(a). **Recodified from N.J.A.C. 8:66A-6.6.** R.2005 d.351, effective October 17, 2005, see 37 N.J.R. 2628(a), 37 N.J.R. 4021(a). **Repealed.** R.2018 d.130, effective July 2, 2018. see 49 N.J.R. 2868(a), 50 N.J.R. 1489(a).

10:162-6.7 (Reserved).

Amended. R.1995 d.183, effective April 3, 1995, see 27 N.J.R. 274(a), 27 N.J.R. 1420(a). **Recodified from N.J.A.C. 8:66A-6.7 and amended.** R.2005 d.351, effective October 17, 2005, see 37 N.J.R. 2628(a), 37 N.J.R. 4021(a). **Repealed.** R.2018 d.130, effective July 2, 2018. see 49 N.J.R. 2868(a), 50 N.J.R. 1489(a).

10:162-6.8 (Reserved).

Recodified from N.J.A.C. 8:66A-6.8. R.2005 d.351, effective October 17, 2005, see 37 N.J.R. 2628(a), 37 N.J.R. 4021(a). **Repealed.** R.2018 d.130, effective July 2, 2018. see 49 N.J.R. 2868(a), 50 N.J.R. 1489(a).

10:162-6.9 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 use alcohol and/or drugs, or otherwise fail to comply with program requirements, shall be reported to the Intoxicated Driving Program by the Intoxicated Driver Resource Center.

Adopted. R. 1995 d. 183, effective April 3, 1995, see 27 N.J.R. 274(a), 27 N.J.R. 1420(a). **Recodified from N.J.A.C. 8:66A-6.9.** R.2005 d.351, effective October 17, 2005, see 37 N.J.R. 2628(a), 37 N.J.R. 402 1(a). **Amended.** R.2018 d.130, effective July 2, 2018. see 49 N.J.R. 2868(a), 50 N.J.R. 1489(a).

10:162-6.10 (Reserved).

Recodified from 8:66A-6.9 by R. 1995 d. 183, effective April 3, 1995, see 27 N.J.R. 274(a), 27 N.J.R. 1420(a). Recodified from N.J.A.C. 8:66A-6.10. R.2005 d.351, effective October 17, 2005, see 37 N.J.R. 2628(a), 37 N.J.R. 4021(a). **Repealed.** R.2018 d.130, effective July 2, 2018. see 49 N.J.R. 2868(a), 50 N.J.R. 1489(a).

10:162-6.11 Family involvement. Each client may be requested to have one counseling session with a member of his or her family or a friend. The counselor may make every effort, with the client's consent, to involve the family in the treatment process, including one session on family aspects of alcohol and drug abuse. If necessary, marriage and family counseling shall be available to the client and can be substituted for regular group sessions. If family or friend refuse to attend, or the client does not desire to reveal that he or she is in treatment to the family and friends, this is not non-compliance on the part of the client. Self help group information should also be made available.

Recodified from 8:66A-6.10 by R.1995 d.183, effective April 3, 1995, see 27 N.J.R. 274(a), 27 N.J.R. 1420(a). Recodified from N.J.A.C. 8:66A-6.11. R.2005 d.351, effective October 17, 2005, see 37 N.J.R. 2628(a), 37 N.J.R. 4021(a).

10:162-6.12 Client transfers from one treatment program to another. Client transfers from one treatment program to another are permitted, if approved by the Intoxicated Driver Resource Center, and if a client is in compliance and a conflict between a program and a client has progressed to the point that treatment is jeopardized. Other valid reasons, such as change of address, or to make more suitable arrangements between clients and programs, may be honored. Credit for successful prior treatment shall be given by the receiving Intoxicated Driver Resource Center. There shall be a presumption of credit for attendance if the client was in compliance and was successful in treatment and this is documented. Transfer of records shall be channeled through the Intoxicated Driver Resource Center office. The Intoxicated Driver Resource Center who received the fee and provided the evaluation is responsible for administration and follow-up of client monitoring.

Recodified from 8:66A-6.11. R.1995 d.183, effective April 3, 1995, see 27 N.J.R. 274(a), 27 N.J.R. 1420(a). **Recodified from N.J.A.C. 8:66A-6.12.** R.2005 d.351, effective October 17, 2005, see 37 N.J.R. 2628(a), 37 N.J.R. 4021(a).

10:162-6.13 Final client treatment release, evaluation, and request for payment. (a) In releasing a client from treatment, the counselor is making a

professional judgment about the client's alcohol/drug behavior. The client should be in control of his or her problem. For clients with a substance use disorder, this will mean abstinence; for clients who do not have a substance use disorder, this will mean the ability for the client to make rational decisions regarding alcohol/drug use and driving.

(b) The following criteria shall be considered by the treatment program counselor to support the counselor's professional judgment:

1. Client cooperation during treatment;
2. Development of positive attitude;
3. Achievement of abstinence;
4. Quality of involvement in treatment or self help group;
5. Family involvement in treatment;
6. Participation in group interaction;
7. Change of behavior patterns related to alcohol/drug use;
8. Significant life style changes;
9. Reduction of alcohol/drug intake;
10. Improvement of self image;
11. Use of support systems;
12. Positive observations by family members, other clients, and other counselors; and
13. Chemical test results where available.

(c) An approved sub-grantee shall present suitable documentation to a coordinating grantee designated by the Division for payment for a covered treatment episode, indicating the date or dates on which services were provided, the number of units of service provided, the modality or modalities of service provided and proof that the client was an eligible recipient.

(d) The Division may authorize provider service sub-contracts in the form of payments by a coordinating grantee to approved grantees based on the documentation provided pursuant to N.J.A.C. 10:162-10.4(a) through (c) and (c) above.

Recodified from N.J.A.C. 8:66A-6.13 and amended. R.2005 d.351, effective October 17, 2005, see 37 N.J.R. 2628(a), 37 N.J.R. 4021(a). **Amended.** R.2018 d.130, effective July 2, 2018. see 49 N.J.R. 2868(a), 50 N.J.R. 1489(a).

10:162-6.14 Client treatment procedures. (a) The Intoxicated Driver Resource Center or Intoxicated Driving Program, as appropriate, and the treatment program must conclude that the client is appropriate for treatment before treatment commences. If the treatment program, after performing a proper evaluation under this chapter, indicates the client is not appropriate for treatment or needs an alternate treatment referral, the client shall be referred back to the Intoxicated Driver Resource Center for appropriate action. The Intoxicated Driver Resource Center or Intoxicated Driving Program will close the case unless it is determined that the criteria used, in accordance with N.J.A.C. 10:162-4.2, justify treatment. A client refusing to participate in treatment after two findings that treatment is appropriate shall be referred to the sentencing court as non-compliant, in accordance with N.J.A.C. 10:162-8.

(b) If a client is not able to safely resume driving after a year of continuous treatment, the Intoxicated Driver Resource Center/Intoxicated Driving Program shall report this to the Division of Motor Vehicles.

(c) All clients referred to treatment shall contact the treatment program within 10 working days of the referral. Treatment agencies must report to the Intoxicated Driver Resource Center or Intoxicated Driving Program as appropriate that the client has commenced treatment within 30 days of the initial contact.

Amended. R.1995 d.183, effective April 3, 1995, see 27 N.J.R. 274(a), 27 N.J.R. 1420(a). **Recodified from N.J.A.C. 8:66A-6.14 and amended.** R.2005 d.351, effective October 17, 2005, see 37 N.J.R. 2628(a), 37 N.J.R. 4021(a). **Amended.** R.2018 d.130, effective July 2, 2018. see 49 N.J.R. 2868(a), 50 N.J.R. 1489(a).

10:162-6.15 (Reserved).

Recodified from N.J.A.C. 8:66A-6.15. R.2005 d.351, effective October 17, 2005, see 37 N.J.R. 2628(a), 37 N.J.R. 4021(a). **Repealed.** R.2018 d.130, effective July 2, 2018. see 49 N.J.R. 2868(a), 50 N.J.R. 1489(a).

10:162-6.16 Treatment costs. (a) The Division shall not be responsible for any treatment costs for any treatment or treatment agency evaluation costs for a client unless the client provides proof that he or she is an eligible recipient, and the grantee or sub-grantee providing such services indicates what percentage of the costs have been or will be paid from other sources. The Division may then make payments from the Fund on a sliding scale up to 100 percent of the costs.

(b) If a client is an eligible recipient and meets the criteria set forth in (c) and (d) below, treatment shall be provided by an approved grantee to the client at no cost to the client when monies from the Fund are available, subject to the provisions of (d) below regarding nominal co-payments. When monies from the Fund are not available, affiliated treatment programs and approved grantees shall provide treatment on a sliding scale basis or at no cost for up to 10 percent of their Intoxicated Driver Resource Center/Intoxicated Driving Program clients.

(c) Recipients for this program will be required to meet eligibility criteria that consider income, resources, Federal Poverty Guidelines, and medical indigency status. Eligibility for this program will be based on Federal Poverty Guidelines as published annually in the Federal Register by the Secretary of Health and Human Services, with an applicable income threshold of 350 percent for applicants seeking residential treatment, and 250 percent for applicants seeking other levels of treatment. For the purpose of this section, medical indigency is defined to include circumstances where an applicant exceeds these Federal Poverty Guidelines, but due to reduced income or necessary medical, legal, legally-mandated, or educational expenses, still lacks sufficient resources to pay for treatment determined to be clinically necessary pursuant to N.J.A.C. 10:162-6.1 through 6.4.

(d) A client who claims to be an eligible recipient shall provide proof of income and, when applicable, documentation of medical indigency status including, but not limited to, garnishments, alimony, child support and legal fines, to an approved grantee pursuant to N.J.A.C. 10:162-6.1(d). Proof of eligibility does not relieve the client of the responsibility to pay the Intoxicated Driving Program and

Intoxicated Driver Resource Center fees required pursuant to N.J.A.C. 10:162-2.4 and 8.1, and any nominal co-payment charged by an approved grantee for therapeutic purposes, as approved by the Division.

Recodified from N.J.A.C. 8:66A-6.16 and amended. R.2005 d.351, effective October 17, 2005, see 37 N.J.R. 2628(a), 37 N.J.R. 4021(a). **Amended.** R.2018 d.130, effective July 2, 2018. see 49 N.J.R. 2868(a), 50 N.J.R. 1489(a).

10:162-6.17 Treatment programs. Each Intoxicated Driver Resource Center shall update its approved treatment lists quarterly and shall send a copy of the list to the Intoxicated Driving Program.

Recodified from N.J.A.C. 8:66A-6.17. R.2005 d.351, effective October 17, 2005, see 37 N.J.R. 2628(a), 37 N.J.R. 4021(a).

10:162-6.18 Treatment after arrest. (a) The Intoxicated Driver Resource Center may give credit for attendance in treatment after arrest, if the treatment was at an approved facility; such time served does not exempt offenders from Intoxicated Driver Resource Center detention requirements.

(b) The Intoxicated Driver Resource Center, subject to applicable confidentiality statutes and rules, shall require the previous treatment program to submit the results of its evaluation. The Intoxicated Driver Resource Center shall perform its own evaluation, and develop a new treatment plan with the offender, as appropriate.

Amended. R.1995 d.183, effective April 3, 1995, see 27 N.J.R. 274(a), 27 N.J.R. 1420(a). **Recodified from N.J.A.C. 8:66A-6.18.** R.2005 d.351, effective October 17, 2005, see 37 N.J.R. 2628(a), 37 N.J.R. 4021(a).

SUBCHAPTER 7. CLIENT CONDUCT

10:162-7.1 Intoxication at the Intoxicated Driver Resource Center. (a) If a client appears to be under the influence of alcohol or drugs upon arrival or during the Intoxicated Driver Resource Center session, the Intoxicated Driver Resource Center may implement the following procedure:

1. Evaluate the client to see if he or she is incapacitated or intoxicated as defined herein;

2. If the client is incapacitated, the Intoxicated Driver Resource Center may call the police, Service Force, or Emergency Medical Service and have the client removed to a hospital or other facility for detoxification. After detoxification, the client may be processed through the Intoxicated Driver Resource Center. The fact that the client was under the influence shall be noted in the client's file and used as part of the counselor's evaluation;

3. If the client is not incapacitated, but is intoxicated, the Intoxicated Driver Resource Center may admit the client or reschedule the client. This determination shall take into account the welfare and the safety of other clients, and the degree of disruption the client's attendance creates. The fact that the client was under the influence shall be noted in the client's file and shall be used as part of the counselor's evaluation;

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. R.1995 d.183, effective April 3, 1995, see 27 N.J.R. 274(a), 27 N.J.R. 1420(a).
Recodified from N.J.A.C. 8:66A-7.1. R.2005 d.351, effective October 17, 2005, see 37 N.J.R. 2628(a), 37 N.J.R. 4021(a).

10:162-7.2 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.

Recodified from N.J.A.C. 8:66A-7.2. R.2005 d.351, effective October 17, 2005, see 37 N.J.R. 2628(a), 37 N.J.R. 4021(a).

SUBCHAPTER 8. CLIENT NON-COMPLIANCE PROCEDURES

10:162-8.1 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.

Recodified from N.J.A.C. 8:66A-8.1. R.2005 d.351, effective October 17, 2005, see 37 N.J.R. 2628(a), 37 N.J.R. 4021(a). **Modified by Executive Order No. 103(2020).** Effective May 21, 2020, see 52 N.J.R. 1314(a).

10:162-8.2 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. 10:162-8.1(a) through (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.

Recodified from N.J.A.C. 8:66A-8.2 and amended. R.2005 d.351, effective October 17, 2005, see 37 N.J.R. 2628(a), 37 N.J.R. 4021(a). **Modified by Executive Order No. 103(2020).** Effective May 21, 2020, see 52 N.J.R. 1314(a).

10:162-8.3 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. 10:162-8.1(a)1 through 3 and shall, for new law clients, in addition to the other documents, mail a copy of the treatment agreement to the court of conviction.

Recodified from N.J.A.C. 8:66A-8.3 and amended. R.2005 d.351, effective October 17, 2005, see 37 N.J.R. 2628(a), 37 N.J.R. 4021(a). **Modified by Executive Order No. 103(2020).** Effective May 21, 2020, see 52 N.J.R. 1314(a).

10:162-8.4 Other noncompliance. If the client is found to be in noncompliance for any reason, the Intoxicated Driver Resource Center/Intoxicated Driving Program will follow the procedures in N.J.A.C. 10:162-8.1(a)1 through 3, and shall, for new law clients, mail any necessary documents to the court of conviction.

Recodified from N.J.A.C. 8:66A-8.4 and amended. R.2005 d.351, effective October 17, 2005, see 37 N.J.R. 2628(a), 37 N.J.R. 4021(a).

10:162-8.5 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.

Recodified from N.J.A.C. 8:66A-8.5. R.2005 d.351, effective October 17, 2005, see 37 N.J.R. 2628(a), 37 N.J.R. 4021(a).

10:162-8.6 Conditions for a request for restoration of a client's driving privileges. The Intoxicated Driver Resource Center shall receive written notice from the affiliated treatment agency of satisfactory performance of treatment before notifying the Intoxicated Driving Program to request that the Division of Motor Vehicles restore the client's driving privileges.

Recodified from N.J.A.C. 8:66A-8.6. R.2005 d.351, effective October 17, 2005, see 37 N.J.R. 2628(a), 37 N.J.R. 4021(a). **Amended.** R.2018 d.130, effective July 2, 2018, see 49 N.J.R. 2868(a), 50 N.J.R. 1489(a).

10:162-8.7 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.

Recodified from N.J.A.C. 8:66A-8.7. R.2005 d.351, effective October 17, 2005, see 37 N.J.R. 2628(a), 37 N.J.R. 4021(a). **Modified by Executive Order No. 103(2020).** Effective May 21, 2020, see 52 N.J.R. 1314(a).

10:162-8.8 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.

Recodified from N.J.A.C. 8:66A-8.8. R.2005 d.351, effective October 17, 2005, see 37 N.J.R. 2628(a), 37 N.J.R. 4021(a).

SUBCHAPTER 9. MISCELLANEOUS OFFENDERS

10:162-9.1 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 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. R.1995 d.183, effective April 3, 1995, see 27 N.J.R. 274(a), 27 N.J.R. 1420(a). **Recodified from N.J.A.C. 8:66A-9.1.** R.2005 d.351, effective October 17, 2005, see 37 N.J.R. 2628(a), 37 N.J.R. 4021(a). **Amended.** R.2018 d.130, effective July 2, 2018, see 49 N.J.R. 2868(a), 50 N.J.R. 1489(a).

10:162-9.2 Out-of-State offenders. (a) Out-of-State residents who live within reasonable driving distance (one hour's travel time) of an Intoxicated Driver Resource Center shall be scheduled in New Jersey. Other out-of-State residents may satisfy program requirements in their home states or in New Jersey. If an out-of-State resident elects to satisfy the requirements in his or home state, the Intoxicated Driving Program shall provide the client with instructions on how to comply.

(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. R.1995 d.183, effective April 3, 1995, see 27 N.J.R. 274(a), 27 N.J.R. 1420(a).
Recodified from N.J.A.C. 8:66A-9.2. R.2005 d.351, effective October 17, 2005, see 37 N.J.R. 2628(a), 37 N.J.R. 4021(a).

10:162-9.3 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.

Recodified from N.J.A.C. 8:66A-9.3. R.2005 d.351, effective October 17, 2005, see 37 N.J.R. 2628(a), 37 N.J.R. 4021(a).

10:162-9.4 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.

Recodified from N.J.A.C. 8:66A-9.4. R.2005 d.351, effective October 17, 2005, see 37 N.J.R. 2628(a), 37 N.J.R. 4021(a).

10:162-9.5 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.

Recodified from N.J.A.C. 8:66A-9.5. R.2005 d.351, effective October 17, 2005, see 37 N.J.R. 2628(a), 37 N.J.R. 4021(a).

SUBCHAPTER 10. ALCOHOL TREATMENT PROGRAM FUND GRANTS

Adopted. R.2005 d.351, effective October 17, 2005, see 37 N.J.R. 2628(a), 37 N.J.R. 4021(a).

10:162-10.1 Form and manner in which application for provider service contracts to the fund shall be made. (a) The Division shall annually publish specific application procedures, qualifications, and requirements for award of funding to a coordinating service agency and approved sub-contracted providers in the Department of Human Services Directory of Contracted Services or through a public notice in such form as may be used by the Department of Human Services for announcing other funding initiatives, based upon the availability of funding, consistent with this subchapter.

(b) Eligible applicants may apply to the Division for funding pursuant to the procedures and requirements indicated in (a) above and, upon execution of a provider service contract or sub-contract, will be considered approved grantees. Applicant programs shall apply to:

Division of Mental Health and Addiction Services
New Jersey Department of Health
PO Box 362

INTOXICATED DRIVER RESOURCES 10:162-11.1

Trenton, NJ 08625-0362

Amended. R.2018 d.130, effective July 2, 2018. see 49 N.J.R. 2868(a), 50 N.J.R. 1489(a).

10:162-10.2 Length of provider service contracts. Subject to the availability of funds, the Division may contract with the coordinating grantee or grantees for a time period that is appropriate and consistent with Department of Human Services policies and procedures for the administration of provider service contracts.

Amended. R.2018 d.130, effective July 2, 2018. see 49 N.J.R. 2868(a), 50 N.J.R. 1489(a).

10:162-10.3 Criteria for approved sub-grantee eligibility. Eligible applicants for subcontracts shall be licensed by the Department pursuant to N.J.S.A. 26:2B-14, 26:2G-23, and/or 26:2H-1 and N.J.A.C. 8:43A-26, 10:161A, and/or 10:161B, or any successor rules governing the operation of substance use disorder treatment facilities; and shall be affiliated with the Intoxicated Driver Resource Center pursuant to N.J.S.A. 39:4-50(f) and N.J.A.C. 10:162-5.

Amended. R.2018 d.130, effective July 2, 2018. see 49 N.J.R. 2868(a), 50 N.J.R. 1489(a).

10:162-10.4 Funding priorities. (a) The Division may make funding available to a coordinating grantee or grantees and approved sub-grantees for certain populations pursuant to (b) through (e) below.

(b) First priority is for residential or combined residential and detoxification services, and clinically indicated continuing care treatment services, provided to eligible recipients who, at the time of admission, meet the Level 3.5, 3.7 or 3.7-WM criteria of the ASAM Criteria on or after October 17, 2005.

(c) Second priority is for intensive outpatient clinically-indicated subsequent continuing care treatment services provided to eligible recipients who, at the time of admission, meet the Level 2.1 criteria of the ASAM Criteria, and who were referred to treatment on or after October 17, 2005.

(d) Third priority is for outpatient and other treatment services provided to eligible recipients who meet the Level 1 criteria of the ASAM Criteria, and who were referred to treatment on or after October 17, 2005.

(e) The Division may disburse funds or authorize the disbursement of any funds for others who have been convicted of an offense under N.J.S.A. 39:4-50 et seq., 39:4-50.4(a), 39:4-50.14, 12:7-46, 12:7-57, 39:3-10.24, or 39:4-14.3g no more than five years prior to October 17, 2005, and who meet the ASAM Criteria referenced in (b) through (d) above, as long as its estimates of need permit it to do so and funding is available.

Amended. R.2018 d.130, effective July 2, 2018. see 49 N.J.R. 2868(a), 50 N.J.R. 1489(a).

SUBCHAPTER 11. INTOXICATED DRIVER RESOURCE CENTER PER DIEM FEE INCREASES

Adopted. R.2005 d.351, effective October 17, 2005, see 37 N.J.R. 2628(a), 37 N.J.R. 4021(a).

10:162-11.1 Criteria for Intoxicated Driver Resource Center per diem fee increases. (a) The Commissioner of Health, in consultation with the Governor's Council on Alcoholism and Drug Abuse, may entertain and grant a request from the Division, in coordination with the Directors of the Intoxicated Driver Resource Centers, for a per diem fee increase for all Intoxicated Driver Resource Centers, when it has been determined by the Director of the Division that more than 50 percent of the Intoxicated Driver Resource Centers are operating in

deficit, based upon the annual income and expenditure reports submitted pursuant to N.J.A.C. 10:162-2.7.

(b) In calculating an appropriate fee increase, the Commissioner may take into account such factors as the rate of inflation since the previous fee increase, changes in client volume of the Intoxicated Driver Resource Centers, increased work load as a result of legislation and rulemaking, the estimated projected rate of inflation, and the intent that Intoxicated Driver Resource Centers be self-supporting. The Commissioner may also require an independent review of the income and expenditure reports and/or documentation of an independent audit consistent with Department of Human Services standards.

(c) Any Intoxicated Driver Resource Center not incurring a deficit at the time of a fee increase may use any excess revenues generated by the fee increase for assessment or treatment enhancement or shall place any such revenues into a special reserve to cover the costs of future deficits or variations in client volume.

Amended. R.2018 d.130, effective July 2, 2018. see 49 N.J.R. 2868(a), 50 N.J.R. 1489(a).

10:162-11.2 Minimum interval between requests. A request for a fee increase shall not be entertained by the Commissioner until one full year after the date a previous fee increase has become effective.

10:162-11.3 Individual or group requests prohibited. The Commissioner shall not entertain or grant a request for a fee increase by an individual Intoxicated Driver Resource Center or by a group that includes only a portion of the Intoxicated Driver Resource Centers in the State. In order to be considered by the Commissioner, such a request must be submitted on behalf of all Intoxicated Driver Resource Centers in the State.

APPENDIX A. (RESERVED)

Recodified from N.J.A.C. 8:66A, Appendix A. R.2005 d.351, effective October 17, 2005, see 37 N.J.R. 2628(a), 37 N.J.R. 4021(a). **Repealed.** R.2018 d.130, effective July 2, 2018. see 49 N.J.R. 2868(a), 50 N.J.R. 1489(a).

APPENDIX B. (RESERVED)

Repealed. R.2018 d.130, effective July 2, 2018. see 49 N.J.R. 2868(a), 50 N.J.R. 1489(a).