

Drug and Alcohol Safety Education Program(DASEP)

Contract Guidelines

**ARKANSAS DEPARTMENT OF HUMAN SERVICES
DIVISION OF BEHAVIORAL HEALTH SERVICES**

10/12/2012



This document should be used in conjunction with the licensure standards and Rules of Practice and Procedure of the Division of Behavioral Health Services' Office of Alcohol and Drug Abuse Prevention. The guidelines set forth are intended to provide general information and guidance for current and (or) potential DASEP providers. Contract Guidelines were established to ensure program obligations are met; it should not be relied on as a substitute for a binding agreement; and may be modified or altered from time to time.

BACKGROUND

DASEP was established to implement legislative mandates relevant to the illegal operation of a motor vehicle while under the influence of alcohol and (or) other drugs (*see* Arkansas Criminal Code § 5-65-104, § 5-65-109, and § 5-65-115). Through investigation, assessment, referral, and educational services, the program aims to reduce the number of injuries and fatalities caused by alcohol and other drug impaired drivers.

The DASEP is for persons who have plead guilty, nolo contendere; or have been found guilty of Driving While Intoxicated (DWI), Driving Under the Influence (DUI), Boating While Intoxication (BWI) and other alcohol and drug offenses as ordered by the court.

This program provides an investigation, screening/assessment, referral to treatment, and (or) 12-15 contact hours of education. Completion of an educational program is required to have the offender's driver's license reinstated.

All DASEP programs must be approved by the administration and authority of DBHS as provided under Ark. Code Ann. §5-65-104 (b) (1) (A). The Division of Behavioral Health Services (DBHS) contracts with various organizations throughout the state for this purpose.

SCOPE

Contract Guidelines were established to ensure program obligations are met. No provision or procedure in this guidelines' manual creates a binding agreement, guarantee, implied or expressed contract. The guidelines set forth are intended to provide general information and guidance for DASEP providers; and may be modified by DBHS from time to time.

CONTRACT GUIDELINES

Pursuant to Ark. Code Ann. §19-11-1010, DASEP contractors must comply with performance based standards. The following are provisions of the DASEP contract and the performance based standards with which the contractor must comply for acceptable performance to occur under the contract:

- 1.1 Providers will comply with all statutes, regulations, codes, ordinances, licensure, or certification requirements applicable to the provider or to the provider's agents and employees; and to the subject matter of the contract.

GUIDELINE: DASEP has been established to implement those portions of the law requiring presentence screening reports, education ,and (or) treatment requirements. DASEP providers are not officers of the court and shall not give legal advice or opinions. Services provided by staff must meet DBHS certification requirements.

- 1.2 Each DASEP provider will make recommendations to the court, as required by law, to assist the court in determining whether an individual upon adjudication of guilt should receive DWI/DUI education or be referred to a state approved treatment program. DASEP providers must be present in each court whenever DWI/DUI cases are presented for arraignment.

GUIDELINE: Providers conducting Presentence Screening Reports (PSSR) must be acquainted with each court in their service area. This includes, but is not limited to, judges, court clerks, prosecutors, probation and police officers. DASEP providers are not officers of the court and shall not give legal advice or opinions.

- 1.3 Providers will use a DBHS approved presentencing screening instrument and protocol to screen each DWI/DUI offender who is referred for screening prior to sentencing.

GUIDELINE: Factors to be considered in determining an appropriate recommendation Include, but are not limited to (SSI-SA score, prior DWI/DUI or related offenses, blood alcohol content, history of drug and alcohol use, previous involvement in drug and alcohol education or treatment; and concurrent charges relative to drug use or possession. The presiding judge weighs this recommendation and issues a final court order.

- 1.4 Providers will present the court with recommendations based on the result of the PSSR, a client interview, a DBHS approved screening tool.

GUIDELINE: The DBHS approved screening tool is Simple Screening Instrument for Substance Abuse (SSI-SA). Instructions for the administration of this instrument can be found at http://www.dhs.state.mn.us/main/groups/disabilities/documents/pub/dhs16_138738.pdf

- 1.5 DASEP will provide education services for all individuals who are charged with the offense of DWI/DUI. Educational materials must be from DBHS approved curriculum. Each DASEP provider will collect program fees and shall remit fees to Department of Human Services DBHS as prescribed by Ark. Code Ann. §5-65-115.

GUIDELINE: DBHS' approved curriculum is an *Interactive Journal* and can be found at <http://www.changecompanies.net>

GUIDELINE: The allowed program fee and administrative fee will be collected for each enrollee in a DASEP education course. The allowed administrative fee will be collected for each person completing a DBHS licensed treatment program and (or) approved out-of-state DWI program. All fees shall be remitted to DBHS within 60 days of collection and without regard to program completion (e.g., a course enrollee who fails to attend and/ or forfeits fee payment).

- 1.6 Providers shall submit a monthly report of fees collected, course enrollees' pre and post test scores, and certificates issued.

GUIDELINE: Monthly reports will be submitted on DBHS approved forms. Please refer to DBHS website for applicable forms. A DASEP certificate will be prepared for persons completing a DASEP education program, a DBHS licensed treatment program, and (or) approved out-of-state DWI programs. Certificates must include client name, date issued, client name, and certificate type (e.g., BWI, DWI, DUI, treatment, or duplicate).

- 1.7 Providers will disseminate education and awareness information to the local community regarding DWI/DUI laws, consequences, and current initiatives. This list is not exhaustive.

GUIDELINE: DASEP providers will hold at least one annual event in which law enforcement, local schools, civic groups, or other interested groups may attend. The intended purpose is to help inform the community of the importance of responsible alcohol use. Providers must keep local media outlets and publications informed of Alcohol Awareness Month.

- 1.8 DASEP employees providing direct services must attend annual training and professional development opportunities with DWI/DUI education and treatment emphasis.

GUIDELINE: Annual conferences, training and education should provide the most current methods and techniques in DWI/DUI field. Participants must sign an attendance roster and (or) receive a certificate indicating participation.

PERFORMANCE

Acceptable performance of DASEP program obligations will be determined at the sole discretion of the DHS Division of Behavioral Health Services. DBHS will notify DASEP providers of unacceptable performance. The remedies for unacceptable performance include: implementation of an acceptable corrective action plan, payment delays, reductions, withholding, or recoupment, contract termination; and all other remedies available by law or equity.