



DUI Program Rules and Regulations

OHS Driving Under the Influence Programs (DUIP) are licensed by the State of California and operates under the authority of Title 9 and the California Health and Safety Code. The County Alcohol and Drug Services division exercises supervisory authority over DUI programs.

Program Goal

The primary goal of OHS is to encourage exploration of the relationship between alcohol/drug use and the inherent risks involved, resulting in modified drinking/drug use in high-risk situations such as driving.

Confidentiality

The OHS DUIP is covered by both State and Federal laws protecting the confidentiality of the program participants. We cannot discuss your case or verify a participants' involvement in the program with anyone without a signed release from the participant. The law requires that disclosures related to child or elderly abuse, threats, or danger to self or others be reported to appropriate authorities.

By signing OHS' Contract A the participant agrees to respect the right of confidentiality of other participants by not revealing any information to any person, agency or institution that might reveal the identity of any other participant in the program.

Abstinence from the Use Of Alcohol And Other Drugs

All program participants must comply with the State of California sobriety regulation. This means that the participant will not enter OHS with *any measurable amount of alcohol in a participants' system or any drugs that cause impairment*. If a participant appears on OHS premises at any time with a measurable amount of alcohol in their system or appear to be impaired by drugs, they will be dismissed from the program.

OHS encourages all program participants to maintain total abstinence from alcohol and other drugs during their program as a way to explore their relationship with alcohol and/or drugs.

Missed Activities

Attendance at program activities must be given priority and we encourage participants not to miss any activity. If a person must miss an appointment or activity it will fall into one of the two following categories:

- **Reschedule:** A missed appointment or activity is classified as a **RESCHEDULE** when the individual contacts OHS to reschedule by phone, e-mail or in person before the appointment or activity is missed.
- **Absence:** A missed appointment or activity is classified as an **ABSENCE** if a participant fails to contact OHS before it is missed.

Number Of Allowed Absences by Program Level

12 Hour - 2 Absences	3 Month - 5 Absences	6 Month -7 Absences	9 Month - 7 Absences
12 Month -8 Absences	18 Month -10 Absences	30 Month - 15 Absences	

- All missed activities must be made up within 30-days of their occurrence.
- A missed activity fee will be charged for each **Reschedule** and **Absence**.
- Missed activity fees are due as they occur and will be charged to the participants account.
- There is no grace period and you will receive an absence if a participant is late to any activity.
- Participants will not receive credit if they leave an activity early.

Leave Of Absence (LOA)

If a participant is going to be absent for a period of time or will not attend an activity at least every 21 days, they must request a Leave of Absence or they will be dismissed for non-attendance. (MOP Re-Entry stage is 60 days, refer to Dismissal Section 7 (e). Leave of absences in excess of 24 months may not be approved in your County, please inquire with your counselor.

A leave of absence must fit one of the following criteria and must be verified with documentation.

- Military responsibility requiring an extended absence
- Work responsibilities requiring extended travel
- Extended illness or medical treatment of participant or family member
- Incarceration
- Residential alcohol or drug abuse treatment program
- Extreme personal hardship or family emergency
- Pre-planned Vacation (Only if a participant has made up all missed activities and are current with fees)

Program Rules

- Food, drinks and smoking are allowed only in the designated areas or outside of the building
- Visitors or children are not allowed in program activities
- Children are not to be left unattended on OHS premises at any time
- Waste and cigarette butts are to be placed in the proper receptacles
- No part of the building shall be modified or defaced
- Appropriate attire is required for all OHS activities. No sunglasses are allowed in activities
- Sleeping or closing eyes during program activities may result in an absence
- All participants are encouraged to participate in their activities and to respect other participants
- Participants who appear to be under the influence agree to submit to a breath/drug test or face dismissal
- Electronic devices and cell phones must be turned off or set to silent mode during program activities

Dismissal

The State of California *requires* that OHS **MUST** dismiss any participant who:

- Fails to participate in required program activities within 21 days of transfer to another California driving under the influence program licensed by the Department of Alcohol and Drug Programs
- Fails to maintain program sobriety, including conviction of a subsequent DUI
- Fails to comply with driving under the influence program rules
- Fails to comply with additional county requirements which have been authorized by the county alcohol program administrator and approved by the Department of Alcohol and Drug Programs. This may include failure to provide documentation of self-help meeting attendance or forging signatures on self help attendance cards and/or failure to provide documentation of attending the Victim Impact Panel session
- Fails to attend program services for 21 days or longer without obtaining a leave of absence, in accordance with Section 9876.5. This section does not apply to multiple offenders in the last 6 months of the 18-month program or in the last 12 months of the 30 month program. In these phases of the program participants will face dismissal for failure to attend program services for 60 days or longer without obtaining a leave of absence
- Exceeds the number of absences allowed in Section 9876(d)
- Fails to resume attending program activities within 21 days of the scheduled return from a leave of absence
- Is physically, verbally abusive, or acts in a threatening manner to program staff or other program participants
- Fails to pay, within 30 days of the date due, his/her program fee assessed in accordance with the

requirements of section 9879; or fails to reschedule and attend a financial assessment interview in accordance with the provisions of Subsection 9879(j). The program shall not dismiss the participant if he/she pays his/her assessed program fee instead of rescheduling and attending a financial assessment interview

Program Reinstatement (Re-Enrollment Following Dismissal)

- Court referred participants who are dismissed from the program may need a re-referral from the court to re-enroll. DMV referred participants who are dismissed from the program may need a current H-6 – DMV printout to re-enroll. Upon dismissal OHS will inform you by mail of the requirements for your re-enrollment, including the requirement that your fees are current.
- Participants who return to the program after dismissal may receive credit for activities they have completed provided that the reinstatement was scheduled within twenty four (24) months from the date on which the participant was dismissed.
- The program may refuse to reinstate any participant who fails to pay their past due balance on services received prior to dismissal or was dismissed for physical or verbal abuse or threatening behavior.

Program Transfer

- Participants may transfer within California to another State licensed DUI Program.
- Participants must be current in fees and pay the required transfer fee
- Transfers between programs must be completed within 21 days
- Participants who are moving out of State cannot officially transfer to an out of state program but may receive notification of completed activities if all program fees are up to date

Program Fees and Payments

- Payments are only accepted at the administrative office (front desk), and by phone with a credit card, a receipt for each payment will be issued at the time of payment. Never make a payment without getting a receipt. Payments are never accepted in activities or at a satellite office (some satellite offices may accept credit card payments). Please include your OHS ID# on your check or money order
- If a participant is going to be unable to make any payment on time or in full, please contact the accounting office
- A participant can request a financial assessment of their payment schedule. They will be required to provide documented evidence of financial hardship resulting from either the fee level or payment schedule. No one will be denied services because of their documented inability to pay
- It is a participants responsibility to contact OHS to request a financial assessment and for a participant to document their current situation. Failure to make payments in full and on time, including administrative charges (or make alternative arrangements) will be viewed as an unwillingness to pay program fees and may result in your dismissal from the program and a referral back to court and/or DMV
- 18 month program participants must attend a face to face session every other week for the first 12 months of the program or until the required activities of the first 12 months are completed. If OHS provides additional face to faces due to a participants' failure to complete the required activities during the first 12 months, a participant will be charged for each face to face until those activities are completed
- All program fees must be paid in full before completion paperwork is processed and released to the DMV
- Participants reinstating or converting to a different program level will pay fees calculated on a fee per service basis for the remaining services needed for completion, based on the current rates at the time of reinstatement or conversion. A reinstatement fee will be charged for re-enrollment after dismissal or for re-enrollment to a different program level on the same case post completion
- The participant is responsible for paying all fees incurred in this contract. If the participant obtains a new conviction; stops attending OHS, and/or attends a longer program when DMV may only require a program shorter in length, the participant will be responsible for paying for all services rendered. All fees incurred will continue to be owed regardless if the participant enrolls in another program with OHS. OHS will utilize a collection agency unless the participant is willing to work with the program to develop a payment plan
- Final payment must be a cashier's check, money order, credit card or cash. OHS will not accept a personal check for the last payment

Program Completion

- A participant will receive a letter of completion after they have completed the program and paid all fees
- The courts and DMV will be notified of completion by OHS as required. A participant is responsible for following through on any specific instructions they may have received from the court pertaining to program completion.
- OHS will not maintain or provide information from program files that are inactive for more than four years.

Program Requirements

- In order to fulfill the court and/or DMV requirements, a participant must complete all of the requirements identified for your program in Contract B.
- It is a participant's responsibility to determine which program they will need to satisfy your court or DMV requirements.
- The 12-Hour Education Only Program is for court purposes only and does not satisfy any DMV requirements for a DUI Program.
- The county or state may require amendments to this contract at a later date.

*OHS participants' understand that alcohol and/or drugs impair his or her ability to drive and understand the dangerous consequences of drinking and or using drugs and driving. If he or she chooses to ignore this warning, and drive while under the influence of alcohol/drugs or both, and someone is killed, he or she understands he or she may be charged with vehicular manslaughter or murder, the elements of malice in a charge of murder may be implied because I have knowledge of the danger of the conduct and the risk that such conduct poses to the public.

(*People vs. Watson 30 Cal 3d. 290,179 Cal Rptr. 43)