

24 VAC 35-31-10, Introduction.

24 VAC 35-31-10

VIRGINIA ADMINISTRATIVE CODE
TITLE 24. TRANSPORTATION AND MOTOR VEHICLES
VAC AGENCY NO. 35 COMMISSION ON THE VIRGINIA ALCOHOL SAFETY
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CHAPTER 31. VASAP CASE MANAGEMENT POLICY AND PROCEDURE MANUAL
PART I. CASE MANAGEMENT

24 VAC 35-31-10. Introduction.

VASAP (Virginia Alcohol Safety Action Program) Case Management is a probationary function of the courts, comprised of referral, enrollment, intake, classification, offender intervention, case supervision/monitoring and court reporting. The Case Manager serves the court in coordinating the referral of the offender into appropriate community-based services pursuant to VASAP policy and procedure. Case Managers and other staff may also provide non-court related ancillary services.

Offenders referred to VASAP by the courts are required to adhere to program guidelines as specified in a signed agreement outlining their VASAP conditions and requirements.

STATUTORY AUTHORITY

§§ 18.2-271.1 and 18.2-271.2 of the Code of Virginia.

NOTES

HISTORICAL NOTES

Derived from VR647-01-03 § 1.1; eff. September 13, 1989; amended, Virginia Register Volume 7, Issue 9, eff. February 28, 1991.

24 VAC 35-31-20, Administration.

24 VAC 35-31-20

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24 VAC 35-31-20. Administration.

The ASAP Director shall be responsible for the implementation and supervision of the case management component to ensure that the needs of the court are met pursuant to the Commission on VASAP policy and procedure.

STATUTORY AUTHORITY

§§ 18.2-271.1 and 18.2-271.2 of the Code of Virginia.

NOTES

HISTORICAL NOTES

Derived from VR647-01-03 § 1.2; eff. September 13, 1989; amended, Virginia Register Volume 7, Issue 9, eff. February 28, 1991.

24 VAC 35-31-30, Definitions.

24 VAC 35-31-30

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24 VAC 35-31-30. Definitions.

The terms used in this document shall have the following meanings unless the context indicates otherwise.

"ASAP" means Alcohol Safety Action Program formed by political subdivisions or by the commission as a criminal justice program that uses community and state services to address the problem of driving under the influence of alcohol and other drugs. ASAPs receive referrals from local courts or the commission. ASAPs deliver intervention services within locally-administrated programs to specific municipal jurisdictions within the Commonwealth of Virginia pursuant to § 18.2-271.1 and 18.2-271.2 of the Code of Virginia.

"ASAP" components" means the separation of actions into specifically defined areas which the VASAP system uses to offset and deter the actions of Driving Under the Influence (DUI) and potential DUI offenders. They comprise a systemic approach to educate the general public, reduce the incidence of impaired driving and to prevent drunk driving. There are five specific components defined and utilized by the VASAP system.

"ASAP Regional Council" means one of the three geographical areas of the Commonwealth of Virginia in which the ASAPs have been organized (Colonial, Blue Ridge, and Battlefield ASAP Councils).

"BAC" means blood alcohol concentration, which is determined by law-enforcement or other licensed personnel in accordance with procedures established in §18.2-268.

"Budget" means a written financial plan for expenditures of a program or accounting entity for a given period.

"Case Manager" means that employee credentialed by the Commission and sworn by the Court to provide VASAP Intervention Services to offenders.

"Case Review" means that supervision conducted after intervention is completed and prior to the close of supervision.

"Caseload" means the number of cases assigned at any one time to a specific case manager for the purpose of ensuring compliance.

"CCRE" means central criminal records exchange.

"Certification" means the process whereby the Commission evaluates an ASAP for its organization, management, fiscal standing, and overall operation. Certification also includes on the ASAP's ability to receive referrals from courts of persons convicted of DUI.

"Classification" means a process involving the assessment of an offender's personal involvement with alcohol or other drugs which results in referral to an appropriate intervention service (education or treatment).

"Commission" means the state agency established as the Commission on the Virginia Alcohol Safety Action Program. Membership of the Commission shall be as provided for in §18.2-271.1 of the Code of Virginia.

"Community Support Group" means that support group approved by the local ASAP to fulfill attendance requirements. Such groups are free to the offender, and may be S.M.A.R.T., Alcoholics Anonymous, Narcotics Anonymous, etc.

Confidentiality" refers to the requirement that an offender's personal information be safeguarded, and divulged only in accordance with applicable federal, state, and VASAP regulations, policies and procedures.

"Driver Improvement" means driver awareness training. Providing information on defensive driving and accident prevention.

24 VAC 35-31-40, Assignment of Case Manager.

24 VAC 35-31-40

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24 VAC 35-31-40. Assignment of case manager.

All offenders referred to an ASAP will be assigned a Case Manager. VASAP Case Managers shall be accredited by the Commission in accordance with guidelines outlined in the Training and Accrediting Manual.

The Case Manager shall inform the court or other referral source if an offender is not in full compliance with court orders and ASAP directives.

All Case Managers shall provide services in accordance with the case management policies contained herein.

STATUTORY AUTHORITY

§§ 18.2-271.1 and 18.2-271.2 of the Code of Virginia.

NOTES

HISTORICAL NOTES

Derived from VR647-01-03 § 2.2; eff. September 13, 1989; amended, Virginia Register Volume 7, Issue 9, eff. February 28, 1991.

24 VAC 35-31-50, Referral contact.

24 VAC 35-31-50

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24 VAC 35-31-50. Referral contact.

Upon referral, the ASAP shall determine if the case must be transferred (refer to Transfer Policy, VASAP Policy and Procedure Manual (24 VAC 35-21-10 et seq.) for specific requirements).

ASAPs shall require offenders, enrolling without court order, to provide proof that fees were paid at any previous ASAP.

STATUTORY AUTHORITY

§§ 18.2-271.1 and 18.2-271.2 of the Code of Virginia.

NOTES

HISTORICAL NOTES

Derived from VR647-01-03 § 2.3; eff. September 13, 1989; amended, Virginia Register Volume 7, Issue 9, eff. February 28, 1991.

24 VAC 35-31-60, Enrollment.

24 VAC 35-31-60

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24 VAC 35-31-60. Enrollment.

The ASAP must ensure that the following enrollment requirements are met:

1. The offender reports to an ASAP representative. This contact can be in court or at the place designated by the ASAP Director.

2. The offender signs the Participation Agreement, which includes any appropriate Conditions of Probation.

3. The offender pays the appropriate ASAP fee or makes satisfactory arrangements for payment with the ASAP.

4. The offender obtains an appointment specifying when intake will be held.

Persons referred to the VASAP system must enroll with a local ASAP and obtain the ASAP endorsement and seal, if required, on the court order before they can obtain a restricted driver's license from the Virginia Department of Motor Vehicles.

STATUTORY AUTHORITY

§§ 18.2-271.1 and 18.2-271.2 of the Code of Virginia.

NOTES

HISTORICAL NOTES

Derived from VR647-01-03 § 2.4; eff. September 13, 1989; amended, Virginia Register Volume 7, Issue 9, eff. February 28, 1991.

24 VAC 35-31-70, Intake.

24 VAC 35-31-70

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24 VAC 35-31-70. Intake.

Intake is to be the initial procedure following enrollment. Information is gathered for classification purposes. The following documents should be obtained and completed for each offender:

1. Court order or referral documents.
2. Receipts or payment plan.
3. Consent form(s) for release of information signed by the offender.
4. Case summary sheet.
5. Participant contact record, written or electronic.
6. Agreement to Participate which shall require the offender to:

- a. Meet with Case Manager as required, including case review after intervention is completed.
- b. Pay all ASAP fee(s).
- c. Pay the cost of any treatment program, if applicable.
- d. Comply with all intervention requirements.
- e. Attend all intervention sessions or office appointments free from alcohol and drugs.
- f. Submit to a breath test or urine screen when requested.
- g. Attend intervention sessions and comply with attendance policy.
- h. Advise Case Manager of all changes of address or any other change which might affect ASAP participation.
- i. Actively participate in the program.
- j. Follow the Case Manager's instructions; be truthful and cooperative.
- k. Be reclassified or returned to court for any additional alcohol or other drug related incidents, arrests or convictions while on ASAP probation or supervision.
- l. Report any new arrests or convictions.
- m. Remain abstinent from alcohol and drug use if classified as a treatment participant; abstinence may also be required by the court or the program during the entire probationary period.
- n. Other Conditions of Probation as documented.

7. Other reports as required.

STATUTORY AUTHORITY

§§ 18.2-271.1 and 18.2-271.2 of the Code of Virginia.
NOTES

HISTORICAL NOTES

Derived from VR647-01-03 § 2.5; eff. September 13, 1989;
amended, Virginia Register Volume 7, Issue 9, eff. February 28,
1991.

24 VAC 35-31-80, Required procedures during intake.

24 VAC 35-31-80

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24 VAC 35-31-80. Required procedures during intake.

1. Offenders displaying medical, emotional or behavioral problems shall be screened for suitability for ASAP participation, to determine if these factors will interfere with ASAP participation. If after reasonable effort is made for placement or other referral source, a determination is made that the offender cannot participate in ASAP because of medical, emotional or behavioral reasons beyond his control, the Case Manager shall return the offender to the court.

2. The Case Manager or ASAP representative shall at a minimum explain and give an overview of ASAP and execute the following:

- a. Fee payment or payment plan;
- b. Participation Agreement.
- c. Other probation conditions, if appropriate.
- d. Consent for Release of Confidential Information.

- 3. Explain restricted privileges.
- 4. Administer breath test or urine screen as deemed necessary by the Case Manager or ASAP representative.
- 5. Enter intake information into management information system.
- 6. Review criminal history information and DMV records.
- 7. Provide offender documentation of required intervention, Conditions of Probation, and Participation Agreement.

STATUTORY AUTHORITY

§§ 18.2-271.1 and 18.2-271.2 of the Code of Virginia.

NOTES

HISTORICAL NOTES

Derived from VR647-01-03 § 2.6; eff. September 13, 1989; amended, Virginia Register Volume 7, Issue 9, eff. February 28, 1991.

24 VAC 35-31-90, File documentation for classification.

24 VAC 35-31-90

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24 VAC 35-31-90. File documentation for classification.

The following documentation shall be required for the classification and included in the file of the offender:

1. DMV driving record.
2. Arrest information, including blood alcohol concentration (BAC) and urine screen results, if available and appropriate.
3. Results of Commission-approved alcohol or other drug-screening instrument.
4. Classification summary information.
5. Personal and demographic data.
6. Criminal history summary, if available.
7. Other evaluation information as available and appropriate.

STATUTORY AUTHORITY

§§ 18.2-271.1 and 18.2-271.2 of the Code of Virginia.

NOTES

HISTORICAL NOTES

Derived from VR647-01-03 § 2.7; eff. September 13, 1989; amended, Virginia Register Volume 7, Issue 9, eff. February 28, 1991.

24 VAC 35-31-100, Required procedures during classification.

24 VAC 35-31-100

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24 VAC 35-31-100. Required procedures for classification.

The Case Manager shall:

1. Review all available data including information pertaining to offender's use of alcohol and other drugs, criminal history summary and DMV record.
2. Administer Commission-approved alcohol- or other drug-screening instrument and review results.
3. Conduct personal interview with offender.
4. Classify offender, in accordance with Commission-approved criteria, as needing education, intensive education, or treatment.
5. Enter classification and intervention data into management information system.

STATUTORY AUTHORITY

§§ 18.2-271.1 and 18.2-271.2 of the Code of Virginia.

NOTES

HISTORICAL NOTES

Derived from VR647-01-03 § 2.8; eff. September 13, 1989; amended, Virginia Register Volume 7, Issue 9, eff. February 28, 1991.

24 VAC 35-31-110, Classification categories.

24 VAC 35-31-110

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24 VAC 35-31-110. Classification categories.

ASAP use three classification categories: education, intensive education and treatment.

1. Education - offender's alcohol or other drug use pattern does not result in tolerance to the substance nor does the offender exhibit a substance abuse problem. Offenders in this group are usually assigned to ASAP Education.

2. Intensive Education - the offender uses quantities of alcohol or other drugs which result in increased tolerance and exhibits problems with alcohol or other drugs. Offenders in this group are usually assigned to ASAP Intensive Education intervention.

3. Treatment - the offender exhibits serious problems with alcohol or other drugs, which are characterized by significant tolerance, an abusive pattern of use, and other characteristics of alcohol or drug dependency. Offenders in this group are referred to a licensed treatment agency or individual for a clinical assessment and treatment. In addition, completion of ASAP education intervention is required.

STATUTORY AUTHORITY

§§ 18.2-271.1 and 18.2-271.2 of the Code of Virginia.

NOTES

HISTORICAL NOTES

Derived from VR647-01-03 § 2.9; eff. September 13, 1989; amended, Virginia Register Volume 7, Issue 9, eff. February 28, 1991.

24 VAC 35-31-120, Classification guidelines.

24 VAC 35-31-120

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24 VAC 35-31-120. Classification guidelines.

- A. The Case Manager shall classify the offender using interviews, record checks, screening instruments, and classification criteria.
 - B. Classification to a level when any criterion for that level is not met or is exceeded requires written explanation placed in the offender's file with the supervisor's approval.
 - C. For Education and Intensive Education Classification, more than one criterion shall be met. Any one treatment criterion is sufficient for treatment classification.
 - D. Identifiable psychological or psychiatric problems may preclude offender involvement in group intervention.
1. Criteria for DUI or other Alcohol/Drug related driving offenses.
- a. Education Criteria
 - 1. No prior legal consequences as a result of alcohol or other drug use.
 - 2. BAC usually not to exceed 15%
 - 3. No detrimental social, financial, or health consequences as a result of alcohol or other drug use.
 - 4. A score on a Commission-approved alcohol- or other drug-screening test indicating "no problem."
 - 5. Positive correlation between interview data and objective data.

6. Only experimental use of other drugs in the past.

b. Intensive education criteria.

1. BAC usually not to exceed .19%

2. No prior alcohol- or other drug-related education or treatment.

3. No more than one prior alcohol- or other drug-related non-driving offense. These offenses may include but are not limited to drunk or drinking in public, underage possession of alcohol, possession of marijuana, disorderly conduct.

4. Score on a Commission-approved alcohol-or other drug-screening test indicating "potential problem."

b. Family history of alcohol or other drug abuse.

c. Alcohol or other drug use contraindicated by prescription drug use (tranquilizers, sedatives hypnotics, pain medications, high blood pressure medications).

7. Referred back to ASAP education after assessment by treatment provider indicates no treatment is recommended.

c. Treatment Criteria

1. Self-admission of an alcohol or other drug problem.

2. Prior alcohol or other drug-related driving offense within 10 years of the current offense.

3. Prior alcohol- or other drug-related treatment or education, including AA/NA or other community support groups; detoxification; or any medical attention as a result of substance abuse.

4. Positive reading from a breath alcohol screening device or urine or other drug screen during any ASAP appointment or meeting.

5. Subsequent alcohol- or other drug-related offense during the probationary period.

6. Score on a Commission-approved alcohol or other drug-screening test indicating "problem."

- i. Referral source mandates treatment, even when treatment criteria are not met.
7. Other considerations which may be used (in conjunction with #1 through #7 to substantiate treatment classification.
 - a. Any injected drug use or use of PCP, LSD, inhalants, (except for prescribed medications), speed or crack cocaine.
 - b. Any illicit drug use within past six months.
 - c. Drinking against medical advice.

2. Non-driving-related drug offenses

a. Drug Education Criteria

1. No prior legal consequences as a result of drug use.
2. No more than one nondriving alcohol-related offense.
3. No detrimental social, financial, or health consequences as a result of alcohol or other drug use.
4. Score on a Commission approved alcohol- or other drug-screening test indicating "no problem" or "minimal problem."
5. No subsequent drug use after arrest, and negative urine screen at intake.
6. Only experimental use of other drugs in the past.
7. Family history of alcohol or other drug abuse.

b. Referral to Treatment Criteria

1. Self-admission of an alcohol or other drug problem.
2. Prior alcohol-related offense.
3. Prior drug-related offense.
4. A history of regular drug use or current use.
5. Prior alcohol or other drug-related treatment or education, including AA/NA or other community support groups; detoxification; or any medical attention as a result of substance abuse.

6. Positive reading from a breath alcohol screening device or urine or other drug screen during any ASAP meeting or appointment.
7. Subsequent alcohol or other drug-related offense during the probationary period.
8. Score on a Commission-approved alcohol or other drug-screening test indicating "problem."
9. Referral source mandates treatment, even when treatment criteria are not met.
10. Alcohol or other drug use contraindicated by prescription drug use (e.g., tranquilizers, sedative hypnotics, pain medications, high blood pressure medications).
11. Other considerations which may be used to substantiate treatment classification.
12. Any injected drug use or use of PCP, LSD, inhalants, (except for prescribed medications), speed or crack cocaine.
13. Any illicit drug use within past six months.
14. Drinking against medical advice.

STATUTORY AUTHORITY

§§ 18.2-271.1 and 18.2-271.2 of the Code of Virginia.

NOTES

HISTORICAL NOTES

Derived from VR647-01-03 § 2.10; eff. September 13, 1989; amended, Virginia Register Volume 7, Issue 9, eff. February 28, 1991.

REFERENCES

ANNOTATIONS

Supreme Court's views on mandatory testing for drugs or alcohol. 145 ALR Fed 335.

24 VAC 35-31-130, Offender intervention.

24 VAC 35-31-130

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24 VAC 35-31-130. Offender intervention.

Case Managers are responsible for the referral of the offender to an appropriate intervention. Treatment referrals shall be to a program licensed by the Department of Mental Health, Mental Retardation and Substance Abuse Services, or to individuals licensed by the Department of Health Professions. Such programs and individuals shall agree to follow approved reporting guidelines. Education referral shall be to a service provider that utilizes one of the Commission's education curricula. Selection of the education facilitators shall be made by the local ASAP in accordance with VASAP standards.

Referrals shall be based on standardized criteria, and the documented classification shall be maintained in the offender's case file. After referral to a treatment program, an independent non-ASAP clinical assessment will be made. The assignment to a specific treatment modality may be made in cooperation with VASAP Case Managers, e.g., in-patient, basic or intensive outpatient, or residential.

Case Managers shall make referrals only to treatment service providers who have signed agreements with the local ASAP and who follow approved reporting guidelines. Special approval by the ASAP can be granted upon request of the offender for other service providers who meets VASAP standards.

Case Managers shall furnish service providers with a written notice of referral on each participant and a summary of pertinent information regarding the offender's history with alcohol or other drug abuse.

Case Managers shall maintain authority over all offenders referred and receiving services to ensure proper compliance with court directions and ASAP policies. Offenders testing positive for the presence of alcohol or other drugs during Education, Intensive Education, or probation may be referred to the appropriate agency for evaluation of treatment needs.

STATUTORY AUTHORITY

§§ 18.2-271.1 and 18.2-271.2 of the Code of Virginia.

NOTES

HISTORICAL NOTES

Derived from VR647-01-03 § 2.11; eff. September 13, 1989; amended, Virginia Register Volume 7, Issue 9, eff. February 28, 1991.

REFERENCES

ANNOTATIONS

Supreme Court's views on mandatory testing for drugs or alcohol. 145 ALR Fed 335.

24 VAC 35-31-140, Monitoring.

24 VAC 35-31-140

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24 VAC 35-31-140. Supervision and Monitoring.

A. Minimum standards of supervision as required by the Commission on VASAP.

Case Managers shall maintain authority over all offenders referred and receiving services to ensure proper compliance with court directives, the directives of other referral sources, and ASAP policies. Offenders testing positive for alcohol and other drugs will be referred for clinical assessment/treatment.

Each Case Manager is responsible for a specific number of cases identified as a caseload. Each Case Manager shall maintain a caseload in accordance with standards set by the Commission.

Supervision begins when the offender is assigned to a Case Manager, and ends when the individual has successfully completed the probationary period. Case Managers shall review reports on attendance and participation upon receipt to verify offender compliance.

B. Minimum Standards of Case Review Supervision after Intervention.

Minimum standards may be increased or enhanced according to ASAP program or local court needs. Probation supervision will continue throughout the duration of the restricted license period and/or court assigned intervention period. Case reviews may be completed in an individual or group format, and the following minimum standards must be met:

1) Case reviews by an ASAP Case Manager or representative shall be completed every three months following completion of intervention for offenders with a one year restricted license or suspension. The offender will complete and submit

a Commission-approved case review form at the last intervention class. A DMV record check shall be reviewed every three months.

- 2) Face-to-face contact with ASAP Case Manager or representative every three months following completion of intervention for offenders with a three-year or more restricted or suspended license. These offenders shall be seen quarterly in the second year of supervision and every six months in the third year of supervision.
- 3) The offender will complete a Commission-approved case review form at each session, and submit to alcohol breath test or urine screen as required by the Case Manager or ASAP representative. The Case Manager shall review a DMV record check at each case review. Other record checks may be completed.
- 4) The referring court or other referral source shall be notified of probation violations prior to the end of the probationary period.
- 5) The servicing ASAP shall provide the on-going probationary supervision in cases where an offender has transferred out of the originating jurisdiction.

C. Minimum Standards for Supervision for Ancillary Services.

The ASAP shall provide minimum standards for supervision services in accordance with statutory requirements as may from time to time be set, and shall follow such policies and procedures as set by the VASAP Commission regarding the services.

STATUTORY AUTHORITY

§§ 18.2-271.1 and 18.2-271.2 of the Code of Virginia.

NOTES

HISTORICAL NOTES

Derived from VR647-01-03 § 2.11; eff. September 13, 1989; amended, Virginia Register Volume 7, Issue 9, eff. February 28, 1991.

24 VAC 35-31-150, Reporting.

24 VAC 35-31-150

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24 VAC 35-31-150. Reporting.

ASAPs shall utilize and ensure that service providers and facilitators utilize the standard report format adopted by the Commission and provided by ASAP.

ASAPs shall ensure that requisite reports are provided to the courts or other referral source.

ASAPs shall ensure that electronic reporting requirements to DMV, and other agencies or entities, are met.

A. NONCOMPLIANCE REPORTING.

When the offender has been deemed noncompliant, the Case Manager, shall notify, within 10 days, in writing the referring court or other referral source and the offender. In the absence of court direction to the contrary, the offender shall be deemed noncompliant if the offender:

1. Does not appear for the initial intake appointment and does not reschedule; or
2. Receives a subsequent DUI, felony, traffic or any other type of conviction which may be pertinent or relevant to the individual's probationary status; or
3. Appears at a class, session or appointment after using or under the influence of alcohol or other drugs; or
4. Is absent from a class, session or appointment without approval of the Case Manager; or
5. Refuses to attend or actively participate in assigned sessions; or
6. Fails or refuses to pay appropriate fees, unless declared indigent by the court.

B. ABSENCES.

Participants must attend all sessions of an intervention to which they are assigned, however, one absence from class may be excused by the Case Manager under the following conditions:

1. Death in the immediate family. Immediate family includes spouse, parents (including in-laws), children, guardians and siblings.
2. Unavoidable medical absence with written statement from a doctor.
3. Any emergency which is either verified or approved by the Case Manager, such as an unavoidable medical absence where there is no written statement from a doctor.
4. Other extenuating circumstances which must be documented.

All excused absences shall be approved in advance except where time or circumstances make it impractical. The Case Manager shall document all offender absences from class or sessions, including specific reasons for the absence. The documentation shall be a part of the offender's case file. ASAPs shall make available a written copy of policies on absences to all contract service providers and offenders.

An offender missing the first class of the intervention for any reason shall be rescheduled to another intervention group. Anyone missing two sessions whether excused or not is required to be rescheduled to another intervention group or returned as non-compliant to the referral source.

C. REPORTS FROM SERVICE PROVIDERS.

ASAPs shall require the following reports in the adopted format from service providers, which shall become a part of the offender's case file:

1. Written notice of contact by referred offender within five working days of initial contact with offender.
2. An individual treatment plan within 15 working days of the intake session.
3. Written notice within 10 working days of any change in the offender's treatment plan.
4. A progress report within sixty days of intake and every sixty days thereafter.

5. Verbal notice by the next working day, and written notice within five working days, when the offender violates the Conditions of Probation/treatment as agreed to in the service agreement.
6. A final report and discharge summary within fifteen days of discharge.
7. The service provider, shall respond to a written request for a specific report within ten days.
8. Additional reports as may be required such as notification of absences.

D. REPORTS FROM FACILITATORS

ASAPs shall require the following written reports, and these reports shall become part of the offender's case file:

1. Education - immediate notification of non-compliance or notification of any concerns that may generate reassessment and a final report at completion of group.
2. Intensive education - immediate notification of non-compliance or notification of any concerns that may generate reassessment and an interim and a final report.
3. Other reports as may be required.

These reports shall become a part of the offender's case file; other reports may be included.

E. REPORTS TO SERVICE PROVIDER.

The ASAPs shall submit at least the following reports to service providers:

1. Written notice of referral.
2. Summary of offender's alcohol or other drug history.
3. When applicable, written notice of termination for noncompliance, transfer and, status of a prior absence.

In the event of a written request for offender information from a service provider, the Case Manager shall respond in writing within ten working days of request.

F. REPORTS TO REFERRAL SOURCE OTHER THAN ASAPs.

Progress and final reports, if requested or required, shall be submitted by the Case Manager as follows:

1. A progress report shall be furnished within five working days from the request of the referral source.
2. A final report shall be submitted within ten working days of successful completion, termination, or case closure.

G. IMPROPER SERVICE PROVIDER ACTIVITY.

Case Managers shall make a written report to the ASAP Director of any improper activity regarding the service provider. Improper activity **may** include reports which do not conform to the agreed format and required time schedule.

STATUTORY AUTHORITY

§§ 18.2-271.1 and 18.2-271.2 of the Code of Virginia.

NOTES

HISTORICAL NOTES

Derived from VR647-01-03 § 2.13; eff. September 13, 1989; amended, Virginia Register Volume 7, Issue 9, eff. February 28, 1991.

24 VAC 35-31-160, Transfer procedures and documentation.

24 VAC 35-31-160

VIRGINIA ADMINISTRATIVE CODE
TITLE 24. TRANSPORTATION AND MOTOR VEHICLES
VAC AGENCY NO. 35 COMMISSION ON THE VIRGINIA ALCOHOL SAFETY
ACTION PROGRAM
CHAPTER 31. VASAP CASE MANAGEMENT POLICY AND PROCEDURE MANUAL
PART II. GENERAL PROVISIONS

24 VAC 35-31-160. TRANSFER PROCEDURES AND DOCUMENTATION.

A. INTERSTATE TRANSFERS (Transfers between States)

1. Interstate Transfers In

a. Offenders transferred into the VASAP system
will be referred through one of the
following means:

- 1) Petition - Offenders convicted in another state and requesting driving privileges in Virginia must request VASAP participation through the petition process in the General District Court, in accordance with the Code of Virginia 271.1D.
- 2) Direct referral- Offenders who have been convicted in another state and whose operator's license is not subject to revocation or suspension action in Virginia, may be referred directly into the VASAP system through the Commission or directly from another agency.
- 3) Interstate Compact - For offenders transferred via the Compact Agreement, ASAP shall follow the procedures outlined in the "Interstate Compact for the supervision of Parolees and Probationers Manual."
- 4) DMV Referral - Offenders required to complete ASAP requirements by the DMV.

b. ASAP Procedures for Interstate Transfers In

- 1) Return an acknowledgement if requested by the originating state or agency.

- 2) Upon classification, if requested, return classification notification.
- 3) Provide the referring state or agency with progress reports as requested.
- 4) Notify the originating state or agency within ten working days of noncompliance or within thirty days of successful completion by the offender.

c. File Document for Interstate Transfers In

- 1) Court documents ordering or requiring participation.
- 2) Case Summary information.
- 3) Arrest information.

2. Interstate Transfers Out

a. ASAP Procedures for Interstate Transfers Out

1. After enrollment, the originating ASAP shall sign and seal the court order, if appropriate.
2. If required, obtain permission from the referring court to transfer the offender out-of-state.
3. Identify DUI service program if possible, in receiving state for appropriate referral.
4. Send Interstate DUI transfer Information to receive program along with:
 - a. Consent for Release of Information
 - b. Court document ordering ASAP participation, if available.
 - c. Arrest information and other alcohol or drug use information, if available, including results of testing instrument.
5. Give Transfer letter to the offender specifying contact deadlines and information.
6. If an offender is transferred via the Interstate Compact Agreement, ASAP shall follow the procedures outlined in the

"Interstate Compact for the Supervision of Parolees and Probationers Manual."

7. Require offender to sign Participation Agreement.

8. Provide offender with copy of all signed documents.

b. File Documentation for Interstate Transfers Out

1. Interstate DUI transfer information

2. Consent for Release of Information

3. Court document ordering ASAP participation, if appropriate.

4. Arrest information and other alcohol or drug use information, if available, including results of testing instrument.

5. Copy of Restricted license order; if appropriate.

B. INTRASTATE TRANSFERS (Transfers between ASAPs in Virginia)

ASAPs shall not retain offenders who reside outside of their service area. In a rare instance, an offender may request not to be transferred. Such request shall be in writing and kept in the offender file. An ASAP may consider a transfer to the area of the offender's employment.

When transfers occur prior to enrollment, no fee shall be collected by the originating ASAP unless otherwise directed by the court of referral. When transfers occur after enrollment, the originating and servicing ASAPs shall adhere to the transfer fee policy as approved by the Commission.

1. Intrastate Transfers In

a. ASAP Procedures for Intrastate Transfers In.

1) Within ten days of the receipt of transfer case, the ASAP shall complete and return the Transfer Acknowledgement to the originating ASAP.

2) Schedule and notify the offender of enrollment/intake date.

- 3) Enter demographic information into management information system.
- 4) Upon classification, complete and return the Classification Notification to the originating ASAP within 30 days.
- 5) Send progress report within 30 days of completion of intervention.
- 6) Send special reports as requested by originating ASAP.
- 7) Monitor the offender throughout the probationary period in accordance with VASAP supervision procedures.
- 8) Notify the originating ASAP of successful completion at least 30 days prior to the end of the supervised period.
- 9) Notify the originating ASAP of non-compliance within ten working days of a violation by the offender.

b. File Documentation for Intrastate Transfers In

- 1) DMV driving record
- 2) Arrest information, including blood alcohol concentration (BAC), and urine screen results, if available and appropriate.
- 3) Results of Commission-approved alcohol - or other drug-screening instrument.
- 4) Classification summary information.
- 5) Personal and demographic information.
- 6) Criminal history summary, if available.
- 7) Other evaluation information as available and appropriate.

2) Intrastate Transfers Out

a) ASAP Procedures for Intrastate Transfers Out

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- 1) Endorse and seal the restricted license order, if required.

- 2) Secure offender's signature on Participation Agreement and Conditions of Probation.
 - 3) Enter demographic, transfer and enrollment information into management information system(s).
 - 4) Give Transfer letter to the offender.
 - 5) Send Transfer Sheet to receiving ASAP, showing fees collected at originating ASAP, if any.
 - 6) Include in transfer paperwork to servicing ASAP:
 - a. Court order requiring ASAP participation
 - b. Copy of Case Summary Sheet
 - c. DMV record, if intake completed
 - d. CCRE, if available
 - e. Any written evaluations available
 - 7) Enter electronic completion information
- b) File Documentation for Intrastate Transfer Out
- 1) Transfer Acknowledgement
 - 2) Classification Information, including projected intervention dates.
 - 3) Status Report; as requested.
 - 4) Final Report.

§§ 18.2-271.1 and 18.2-271.2 of the Code of Virginia.

NOTES

HISTORICAL NOTES

Derived from VR647-01-03 § 2.14; eff. September 13, 1989; amended, Virginia Register Volume 7, Issue 9, eff. February 28, 1991.

24 VAC 35-31, Forms, FORMS

24 VAC 35-31, Forms

VIRGINIA ADMINISTRATIVE CODE
TITLE 24. TRANSPORTATION AND MOTOR VEHICLES
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FORMS

Treatment Agency Report, VAS-10 (1/91).

Consent for the Release of Confidential Information, VASAP-34
(Rev. 7/90).

Standard Treatment Services Agreement.