

THE COMMISSION ON
VASAP
Virginia Alcohol Safety Action Program

Case Management Operational Guidelines

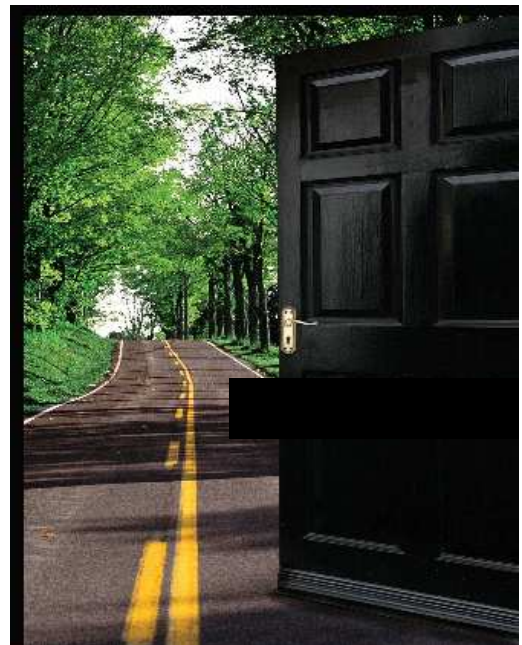


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Part I: General Provisions

Section 1.1 Purpose of the Operational Guidelines

The overall purpose of the operational guidelines is to provide Virginia's Alcohol Safety Action Programs with detailed procedures for enrollment, intake, classification, intervention assignments, case monitoring, transferring intrastate and interstate cases, executing consent forms, maintaining case files, documenting information in the Engenuity Case Management System (hereafter referred to as "ECM"), and other aspects of case management. The Commission on VASAP reserves the right to deviate from these operational guidelines in its discretion.

Section 1.2 VASAP Mission

The VASAP Mission is to improve transportation safety by decreasing the incidence of driving under the influence of alcohol and other drugs, thereby leading to the reduction of alcohol and drug-related fatalities and crashes.

Section 1.3 VASAP Core Values

At all times, VASAP system employees will:

- Enthusiastically promote timely, efficient, and effective customer services with respect and dignity
- Empower others, both internally and externally
- Share knowledge, be accountable, and be a team player
- Protect confidential information and demonstrate integrity
- Promote inclusivity and equity in policies, procedures, and service delivery

Section 1.4 Customer Service

The general perception of the Commission on VASAP and the local ASAPs is greatly shaped by the quality of the interaction employees have with offenders, the courts, other agencies and the public at large. Employees of the VASAP system are in a position to gain the respect and appreciation of individuals attending the program. Thus, excellent customer service is an absolute expectation of all ASAPs at all times.

Observing the core values of respecting others and being accountable includes following good customer service habits such as:

- Maintaining normal office hours to ensure maximum accessibility to the public

- Immediately greeting all persons entering the ASAP offices
- Providing telephone coverage with a live person during business hours
- Answering telephones promptly
- Providing an answering machine or service to record messages during non-business hours
- Returning all messages promptly, but no later than 24 hours after receipt
- Processing required paperwork as expeditiously as possible
- Scheduling appointments for enrollment, intake, ignition interlock installation, etc. for the earliest possible times
- Being helpful and informative, answering offender questions accurately
- Maintaining a calm and respectful demeanor with offenders regardless of their conduct.
- Upon request, providing offenders with the telephone number and address of the Commission on VASAP.

Section 1.5 VASAP Case Management Definition

VASAP case management is a probationary function of the courts, comprised of referral, enrollment, intake, classification, offender intervention, case supervision/monitoring, and court reporting. Offenders referred to ASAP are required to adhere to program guidelines as specified in a signed agreement outlining their ASAP conditions and expectations. The case manager serves the court in coordinating the referral of the offender into appropriate community-based services pursuant to VASAP policy and procedure in order to achieve quality and cost-effective interventions and outcomes.

The Code of Virginia requires that every case manager, and any other employee who is designated by the director of any VASAP-certified local alcohol safety action program to provide probation and related services, take an oath of office.

Section 1.6 Procedural Standardization

There are 24 local Alcohol Safety Action Programs (ASAPs) in the VASAP system that provide offender services. While some local program autonomy exists, and the customization of services and policies is necessary at times to respond to the mandates of specific courts and unique community circumstances, it is required that ASAPs adhere to the procedures contained in this document. Standardization ensures that all offenders, courts, and localities in the state will receive comparable, high-quality services.

Section 1.7 Waivers

Whenever an ASAP finds that circumstances require deviation from the policies contained in these operational guidelines, a written waiver request must be submitted to the Commission on VASAP's Executive Director for approval.

Section 1.8 Case Management Discretion

Standardized procedures will apply in most situations; however, case managers are expected to exercise good judgment and discretion since no two offender cases are the same. If the case management function were completely automated using only quantitative data in a cookie cutter approach, a computer or robot could perform the job.

As the name implies, case management involves managing a case. Conversations with offenders need to occur to gather subjective information that may not be apparent from a driving record or questionnaire. There needs to be periodic and thorough monitoring of every case to adjust for any changes in the individual circumstances of offenders. Detailed documentation of all conversations and correspondence with offenders must be included in ECM.

Part II: Confidentiality

Section 2.1 Confidentiality

ASAP staff members often learn of confidential information about offenders, employees, and other stakeholders during the conduct of business. In addition, proprietary information relating to ASAP functions, curricula, etc. may become known to ASAP staff. Per Commission on VASAP policy, such confidential or proprietary information must be kept confidential.

Remember, protecting confidential information is one of the VASAP core values. Protection of such confidential and proprietary information is of the highest importance and must be released with the greatest of care for VASAP to merit the continued confidence of the offenders, the courts, the general assembly, and the public.

While sometimes confidential information is illegally obtained through criminal means, such as computer hacking, in the vast majority of cases disclosure occurs due to employees failing to observe agency policies and procedures. The first line of defense against the unauthorized disclosure of confidential information is our employees. It is important that the VASAP confidentiality policies, procedures, and regulations are understood and that all employees make a conscientious effort to adhere to them.

A PowerPoint presentation on confidentiality has been prepared for use by the ASAPs in the training of their new employees. All employees are required to cover the material in this presentation when hired. ASAP directors are encouraged to periodically review this information with all staff during in-service training. Documentation of training completion shall be maintained in each employee's personnel file.

Section 2.2 Basic Confidentiality Release Conditions

Two conditions shall be met before information of a confidential nature is released.

First, confidential information must only be released to persons who are authorized to see the content. For example, offenders can obtain information about themselves, but certain information cannot be released to family members, DMV, the courts, attorneys, law enforcement, treatment providers, etc. without the express written consent of the offender.

The release of treatment information by ASAPs is generally prohibited, other than to the offender, unless one of the listed exceptions in 42 CFR Part 2 applies. This means that ASAPs may not disclose treatment records unless they get an authorization signed by the individual that complies with 42 CFR 2.31. If a proper consent form is signed by the offender, the ASAP may disclose treatment records to the court, Commonwealth Attorney, defense attorney, or another ASAP. Disclosure of treatment information should be summarized in the case manager's noncompliance report and be limited to the minimum amount of information required to

substantiate a violation of the offender's probationary requirements. The full treatment record shall only be provided if the court specifically requests.

Second, confidential information shall only be viewed by ASAP personnel who need to know the content for legitimate business purposes.

Section 2.3 Consent for Release of Confidential Information

Prior to releasing any confidential information about an offender or employee, written authorization must be obtained. VASAP uses several types of "Consent for Release of Confidential Information" forms that enable offenders to give authorization to release confidential information to specific individuals or organizations. These release forms must be signed by the offender and executed with a specific commencement date. Restrictions, such as when the authorization will cease, and limitations as to how much and what kind of information may be released, shall be included as well. Typically, juveniles in Virginia may consent to have their ASAP case files and treatment records released without parental approval; however, in some instances, such as inpatient treatment, a parent or legal guardian must sign the release form. The original signed release form must be maintained in the offender's file (see pages 60-63). Faxed and emailed consent forms are valid and may be accepted.

It is recommended that separate release forms be executed for any individuals, such as family members, who are permitted to obtain confidential information. A separate Consent for Release of Confidential Information – Treatment form shall be completed for any treatment provider being used (see page 62).

Section 2.4 Use of Social Security Numbers

Full social security numbers, or any portion thereof, shall not be solicited, collected or stored by the ASAP, except for the purpose of participating in the Virginia Department of Taxation's Set-Off Debt Program. Use of a social security number for any other purpose, to include running a DMV record check, is prohibited by state and federal law and may subject the employee to criminal prosecution.

Section 2.5 Nondisclosure Agreements

Signed written confidentiality or nondisclosure agreements must be on file for all employees who may gain access (whether purposely or inadvertently) to confidential or proprietary material at any time. This may include not only ASAP staff and instructors, but also such persons as custodial and maintenance personnel who have access to office space, and sign language interpreters who have been granted access to ASAP classes.

The nondisclosure agreement shall contain an acknowledgment that they may be viewing confidential and proprietary information, and that they have an obligation to safeguard it. ASAP

employees must not use confidential information inappropriately, disclose information to unauthorized persons, or assist unauthorized persons in obtaining such information.

The obligation to protect confidential information continues to exist even after individuals are no longer employed in the VASAP system.

Section 2.6 Telephone Procedures

Much confidential information is obtained through “social engineering.” Social engineering refers to psychologically manipulating people into performing actions or divulging confidential information. Social engineering often occurs via the telephone. When answering the telephone, employees must be careful as to what information is revealed. The other person on the line may be a solicitor, a criminal seeking to obtain personal data for illegal purposes, a disgruntled individual trying to discover information that would be detrimental to the agency, or just a person snooping to inquire about an offender.

Callers should be asked for their name and the purpose of the call if they do not provide it. Whenever confidential information is requested, it shall first be determined that callers are authorized to possess the information. If so, the identity of the callers must be verified by asking them to provide personal information such as their date of birth, street address, telephone number, etc. A best practice is for the offender to assign a password to all persons authorized to communicate with the ASAP about their case. This password shall be documented in ECM. Learning to properly screen such calls takes time and experience. When in doubt about the legitimacy of a call, a supervisor should be consulted prior to releasing information.

Significant calls relating to case management issues shall be documented in ECM.

Section 2.7 Email Communication

To facilitate efficient and prompt communication, all persons enrolling in ASAP will be required to maintain a valid email address. All emails from the ASAP shall include the following language:

“The information in this message, including any attachments, is privileged and may contain confidential information intended only for the person above. Any distribution, copying or disclosure which is not necessary and proper in the discharge of the ASAP’s function is strictly prohibited. If you are not the intended recipient or have received this message in error, please notify us immediately by reply email and permanently delete the original transmission from us, including any attachments, without making a copy.”

Offenders shall be advised of their requirement to notify the ASAP whenever their email address changes.

Section 2.8 Office Security

Offender files and other confidential information are best kept at the office where they can be watched by employees and secured under lock and key. For this reason, offender information must not be taken out of the office unless it is absolutely necessary, such as when needed for court. In such cases, the information must be properly secured and accounted for at all times.

When offenders and other visitors enter ASAP offices, they should be accompanied by a staff member at all times. Confidential materials must be out of the sight and access of offenders. Offender files must be in locked rooms or cabinets when not in use.

Photographs and recordings may be prohibited in ASAP office spaces if these restrictions are approved by the local policy board, and signs indicating such are prominently displayed in the ASAP office.

Section 2.9 Computer Security

When working at the ASAP office, employees do not have an expectation of privacy. The ASAP network and office computers may be monitored at any time. Therefore, care must be taken to consider what information is viewed and posted on agency equipment and networks.

All computers and data storage devices must be password protected. Strong passwords, using a combination of upper case and lower case letters, numbers, and symbols should be used to protect access. Passwords should be changed periodically. Passwords shall not be revealed or shared with other persons.

Software must not be installed or downloaded without authorization from the IT administrator or ASAP director. Viruses, worms, Trojan horses, and other malware may be introduced accidentally, and new programs may not be compatible with existing software and hardware configurations. There should be no attempts to remove or circumvent antivirus software, firewalls, etc.

Employees must log off, lock, or turn off computers when not in use or left unattended. Never leave a computer screen displaying confidential information in view of unauthorized persons.

Section 2.10 Personal Data Devices

Personal digital devices such as smart phones, USB drives, iPods, etc. are ubiquitous in today's world. Employees must not integrate personal hardware with ASAP equipment without first consulting with the IT administrator or ASAP director.

Confidential or proprietary information must not be downloaded to personal devices such as smart phones, tablets, USB drives, laptops, etc. that will be taken off the office premises.

Section 2.11 Social Media and Communication

Information placed on social media sites has the potential of being viewed by anyone in the world. Extreme caution must be exercised when using these sites. Work-related discussions must never take place on social media. Revealing confidential information or making derogatory comments about ASAP, offenders, or other stakeholders, places VASAP in a bad light, and may violate the law.

Care must be taken when discussing office business with coworkers at public sites such as restaurants, hotels and conferences. Offender names must not be used when discussing cases or specific information revealed that would enable an outsider to identify offenders. The use of a lower volume voice and staying outside of the earshot of other people will help to ensure that confidential information is not disclosed.

Comments, even to family and friends, must be guarded. Are these individuals authorized to know the information? Do they have a legitimate need to know the information?

Section 2.12 Handling Requests for Information

When offenders (whose cases are active), or their designee (with proper consent), request to have copies of their own ASAP files, the information (to include case management notes) shall be provided at no charge for the first request only. ASAPs may charge a fee of up to \$1.00 per page for subsequent requests and for information from closed case files. Information generated by treatment providers however (such as treatment plans, notes and drug tests results) shall not be released, and must be obtained by offenders directly from their service providers unless the offender has signed a Commission on VASAP Consent for Release of Treatment Information form. With the exception of the court, ASAPs are prohibited from releasing copies of reference letters submitted on behalf of offenders seeking restoration of driving privileges under the multiple offender law.

ASAPs are authorized to release driving records obtained from the DMV that are already present in the case files as a requirement of the intake or case review process; however, driving records obtained via the Virginia Criminal Information Network (VCIN) may not be released. If offenders simply want updated copies of their driving records, they should be directed to local DMV customer service centers to obtain them at their own expense. VCIN criminal records shall not be maintained in the offender's file and shall be shredded as soon as any needed information from the records is obtained.

ASAPs will occasionally receive requests for information about offenders or ASAP staff from courts, attorneys, law enforcement personnel, and employers. Absent a specific court order, offender information is protected under federal confidentiality regulations and cannot be released unless written authorization to disclose it has been given to ASAP by the offender. An offender may terminate authorization to release confidential information at any time. Offenders should be asked to make such termination requests in writing.

The presentation of an arrest warrant for an ASAP offender is not sufficient grounds for the release of confidential information.

ASAPs may receive a subpoena duces tecum from attorneys requesting records or information about persons in ASAP. ASAPs should follow the guidance of their local policy board, court and/or legal representation when responding to these requests.

The Department of Health Professions is regarded as a health oversight agency under the provisions of HIPAA. An entity subject to HIPAA may disclose protected health information to a health oversight agency for oversight activities authorized by law, including audits; civil, administrative, or criminal investigations; inspections; licensure or disciplinary actions; civil, administrative or criminal proceedings or actions; or other activities necessary for appropriate oversight of the health care system (45 CFR 164.512(d)).

The Code of Virginia §54.1-2506 gives authority for the Department of Health Professions to investigate any possible violations of the statutes and regulations pertaining to the Department. Further, the Director or his designee shall have the power to subpoena witnesses and to request and obtain patient records, business records, papers, and physical or other evidence in the course of any investigation or to issue subpoenas requiring the production of such evidence.

Freedom of Information Act (FOIA) requests may also be received by ASAPs. It is requested that local ASAPs contact the Commission on VASAP whenever a FOIA request is received that pertains to statewide policy. If it is clear that the requested information is not confidential or protected, then the local ASAP must respond to the request. The ASAP is permitted to charge the requestor a reasonable fee for printing (typically \$0.03 to \$0.05 per page), employee time, etc. as required to honor the request. ASAPs shall refer to the current Local Government Officials' Guide to the Virginia Freedom of Information Act to ensure compliance with FOIA requirements.

Occasionally, requests for offender or staff information may be received from outside entities for the purpose of employment background and reference checks. The identity of the requesting party must be verified, and no information shall be released without proper written authorization. If proper authorization has been granted, the ASAP shall release the information to the requesting party at no cost.

ASAP personnel must forward all media requests to the ASAP director for approval. Local ASAPs may provide information to the media for news stories concerning local activities; however, information regarding controversial cases or statewide policies shall be directed to the Commission on VASAP.

If there is a doubt as to whether specific information should be released, contact a supervisor or the Commission on VASAP for assistance.

Section 2.13 Confidentiality Breaches

Despite the best efforts to safeguard confidential material, sometimes a breach will occur. Information may be compromised due to the negligence or dishonesty of an employee, theft by an offender, or the criminal activities of an offsite hacker. Whenever the security of confidential information has been compromised or potentially compromised, the local ASAP director and commission office must be notified as soon as possible. A written report shall be filed with the Commission on VASAP within 24 hours. No attempts shall be made to cover up, or fail to report, a breach of confidentiality. This just exposes VASAP, as well as employees, to criminal and/or civil liability.

Every effort must be made to immediately secure data to ensure that additional disclosure does not occur. An investigation shall be initiated quickly to determine the extent of the disclosure. Persons whose personal data may have been compromised must be notified and advised of any potential threat they face. If appropriate, the commission may require the assistance of law enforcement.

Employees shall report any compromise of computer passwords or detection of computer viruses to the local ASAP IT administrator and director.

Part III: Case Management Information System (ECM)

Section 3.1 Case Management Information System

VASAP uses the Engenuity Case Management System (known as “ECM”). It is important that information be entered accurately into ECM to facilitate effective case management and to ensure the availability of data for conducting statistical analyses and responding to FOIA requests.

Section 3.2 Case Documentation

All actions and communications related to offender cases must be thoroughly documented in ECM. Notes shall be thorough enough that the offender, other ASAP employees, the courts, commission staff, and certification team members, can read the information and fully understand the status of the case.

Care must be taken to ensure that all entries are clear, accurate, factual and relevant. Do not include personal, subjective opinions, or judgmental editorial comments. Vulgar language shall be avoided in the notes unless direct quotations are required to demonstrate the severity of a situation or to provide evidence of a specific threat. Also, avoid the use of uncommon abbreviations, acronyms, etc., and proofread for spelling, punctuation, and grammar errors. Since posted entries cannot be deleted or altered in ECM, any errors shall be corrected by making additional entries.

Part IV: Referral and Enrollment

Section 4.1 Referral Documents

The Code of Virginia requires court-referred offenders, as a condition of the granting of a restricted license, to make contact with the ASAP for enrollment within 15 days of the effective date on the court order. This contact with the offender may be at court, in the ASAP office, or another place as designated by the ASAP.

Various documents may be used to refer offenders to an ASAP. Referral documents give ASAP authorization to assume oversight of offender cases and define the specific conditions of probation, such as whether abstinence is required. The referral document for court-referred cases will typically be the DC-265 form (see page 47). For DMV administrative cases, the compliance summary usually serves as the referral document (see page 53). Other referral documents may be encountered as well such as a Virginia uniform traffic or criminal summons copy. Offenders shall not be enrolled into ASAP without a referral document or written verification of referral from the clerk of court or court database.

One of the first tasks the ASAP must complete when an offender reports for enrollment is to verify that all contact information on the referral document is correct. A current telephone number, physical address, mailing address, and email address shall be obtained from the offender. If available, a copy of the offender's photo identification may be made for inclusion in ECM.

The DC-265 or similar referral documents, and the DC-266 form (if applicable) must be signed and sealed by the ASAP (see pages 47-48). The offender shall be instructed to return to DMV with the form(s) within 60 days of the effective date on the court order to obtain a plastic restricted license. Offenders should be reminded that failure to enroll in ASAP within the required 15 days may result in their case being returned to court for noncompliance. Failure to obtain the plastic restricted license within the required 60 days, will result in suspension or revocation of their driving privileges. Offenders should also be advised to continue to carry their court referral paperwork (DC-265, DC-266, etc.) along with their plastic restricted license whenever they are driving.

Section 4.2 Appeals

The ASAP shall not enroll offenders until any appeals from the general district court have been adjudicated by the circuit court. However, if offenders decide to appeal their case subsequent to enrollment in the ASAP, the ASAP shall close the case and refund any monies paid to date. It is important for the ASAP to ascertain from the offender at the time of enrollment whether an appeal is anticipated.

Offenders who were convicted in circuit court shall be enrolled, even if their case is being appealed to the Virginia Supreme Court.

Section 4.3 Pre-Enrollment

Offenders pending trial for a DUI offense may pre-enroll in an ASAP. These persons may attend intake, be classified, and begin the appropriate intervention prior to adjudication by the court. Pre-enrollment cases shall be treated as administrative cases until such time as the court finds the defendant guilty. Accordingly, any offender noncompliance occurring during the pre-enrollment period shall not be referred to the court since the offender is in a volunteer status. ASAPs, however, may close cases for noncompliance when the pre-enrolled offender does not adhere to the conditions of the participation agreement.

Section 4.4 Enrollment Package

Most ASAPs give offenders an enrollment package that contains several required Commission-approved documents for them to complete. Typical contents of the enrollment package include the:

Participation Agreement (see page 55),
Consent for Release of Confidential Information Form (see pages 59-62),
Intake Questionnaire (see page 56),
Ignition Interlock Agreement (if applicable), and

Other local policy information may be included as well.

Section 4.5 Fee Collection

ASAPs shall adhere to the current commission-approved fee schedule. Charges for any other fees or services rendered shall be approved by the Commission on VASAP unless otherwise directed by the court.

If possible, ASAPs will attempt to collect the full program participation fee during enrollment; however, if an offender is under the court's jurisdiction, and is unable to pay the full participation fee at enrollment or intake, a payment plan shall be established. At no time shall a court-referred offender be denied the opportunity to enroll due to the inability to pay fees. Court-referred offenders placed on a payment plan shall make full payment within 120 days of enrollment; however, the ASAP in its discretion, may extend the deadline for full payment for offenders who are demonstrating good faith by continuing to make regular, periodic payments. Failure to pay may result in a return to court for noncompliance and/or removal from class.

Any fees paid by pre-enrollees are nonrefundable regardless of the court's subsequent verdict.

Whenever cases that are no longer under the supervision of a court (hereafter referred to as “administrative cases”) are being transferred to another ASAP, the receiving ASAP must verify that the offender does not have any outstanding ASAP fees. Offenders must satisfy all outstanding ASAP fees prior to enrollment.

Fees for out-of-state transfers in, administrative cases, and pre-enrollment cases are not eligible for waiver or reduction due to indigence. ASAPs may require full payment for these cases, as well as reckless driving cases, at the time of enrollment. At the discretion of the local ASAP, payment plans may be established for these cases.

ASAPs may use commercial collection agencies; however, any service fees charged by a collection agency shall not be charged to the offender. The collection agency must abide by all applicable federal confidentiality guidelines.

If a judge declares an offender to be indigent, the ASAP shall waive or reduce the ASAP fee as directed by the court.

Whenever an offender’s fee balance is included in a bankruptcy proceeding, the ASAP shall follow the direction of the bankruptcy court. If the bankruptcy judgment discharges the ASAP debt, and all other requirements have been met, the ASAP shall complete the case in ECM and report a successful completion to the DMV. An alert with a notation reflecting the nature of the fee write-off (e.g., “fee satisfied – bankruptcy”) shall be posted in ECM.

When a transfer occurs at the time of enrollment (applies only to offenders on probation for more than one year), no fee shall be assessed or collected by the originating ASAP. When transfers occur during the first year, subsequent to enrollment and prior to the completion of intervention, the entire ASAP fee, minus any applicable state portion, shall be transferred to the servicing ASAP; however, when partial services have been rendered, ASAPs may mutually agree to a smaller transfer fee.

For cases transferred after the first year of supervision, the originating ASAP shall retain all fees paid or owed to date, and any balance owed must be paid prior to initiating the transfer. The servicing ASAP may charge monitoring fees for any supervision required during the second and subsequent years as applicable.

Section 4.6 Intake Appointment Scheduling

An intake appointment shall be scheduled for the offender during enrollment unless intake occurs on the same day as the enrollment. The intake appointment must be scheduled to occur within 30 days of the effective date on the court order, or within 30 days of enrollment (administrative cases). If an intake appointment cannot be scheduled within the required 30 days, this shall be documented thoroughly in ECM with an indication as to the reason for the delay. Missed intake appointments must be rescheduled promptly via U.S. Mail notification and the intake completed within 10 business days of the missed appointment, unless otherwise

directed by the court. However, U.S. Mail notification is not required if the ASAP is able to personally communicate with the offender via telephone or email within 48 hours to reschedule the intake appointment, and such notification is documented in ECM.

In the case of young offenders, orientation is required and may be completed in a group session with other young offender participants; however, intake is optional.

Whenever an offender is adjudicated as a dual VASAP/Young Offender referral, the offender shall attend intake and complete the applicable intervention requirements as indicated by the ASAP classification.

Section 4.7 DMV Notification

Once enrollment is completed, the ASAP will electronically transmit the date of the ASAP enrollment into the DMV system. This transmission must occur within 24 hours of the availability to post. Special attention should be given to cases placed in a pre-compliance status to ensure that these enrollments are posted to the DMV system in a timely manner.

Section 4.8 Offenders Requiring Special Accommodations

Persons with disabilities, including physical or intellectual disabilities, shall be given an equal opportunity to participate in, and thus benefit from, all programs, services, and activities of the ASAP. This includes, but is not limited to, providing appropriate adjustments, auxiliary aids and services for persons with disabilities as defined in the Americans with Disabilities Act and applicable federal and state nondiscrimination laws. Provision of any legally required accommodations to comply with the ADA shall be at the expense of the ASAP if the offender is under the jurisdiction of the court.

A common example of an ADA-covered disability would be hearing impairment. The ASAP is required to provide, and pay for, sign language interpreting or similar acceptable accommodations if requested by the offender. The ASAP shall require the sign language interpreter to complete a nondisclosure agreement (see page 9).

Service animals are permitted to accompany persons with disabilities, except when doing so will fundamentally alter the activity or safe operation of the program. The only legal questions that may be asked of an offender or other persons with service animals are: (1) Is the animal required because of a disability? (2) What work or task has the animal been trained to perform?

To ensure all offenders receive the maximum benefit of program participation, whenever resources are available, ASAPs should (as a courtesy, and not as an ADA requirement) attempt to assist offenders who are not fluent in English by offering interpretation services from bilingual staff or contracted vendors; providing standardized forms, videos, and intensive education books in various languages and assigning offenders to classes with bilingual instructors. If these resources are not available, offenders shall be responsible (at their own expense) for providing

their own interpreters as needed for enrollment, intake, classes, treatment, etc. The language interpreter shall be required to sign a nondisclosure agreement prior to attending an ASAP class. Persons providing verbal language interpretation during ASAP classes should be encouraged to sit at the back of the room with the offender in order to minimize disturbance to other offenders.

VASAP videos, translated in Spanish, may be used to fulfill education requirements for Spanish speaking offenders who do not have the ability to effectively communicate in English. Virtual Spanish classes may also be available.

Part V: Case Transfers

Section 5.1 Court Cases

As a general practice, ASAPs shall only supervise offenders whose residence or place of employment is in their ASAP service area. Students who are living away from their permanent address may be supervised by the ASAP servicing their school address or their home of record. Upon their request, offenders may be granted permission to be supervised elsewhere due to special circumstances, provided the arrangement is mutually agreeable to, and made in writing by, all ASAPs involved. Cases shall be transferred when an offender's place of residence or employment location changes to a geographical area serviced by another ASAP, unless the offender requests otherwise. Verification of the exact address (city or county) is important to ensure the offender is transferred to the correct ASAP since some zip codes cover more than one ASAP jurisdiction.

Cases shall be transferred if the offender is a dependent, family member, or domestic partner of any person employed by the local ASAP or a current or former ASAP policy board member, employee or volunteer. Cases shall also be transferred when an employee relationship with the offender exists where there may be a conflict of interest, whether actual or perceived. The ASAP director must be advised of the relationship.

Offenders must make contact with the ASAP in the conviction jurisdiction prior to being transferred. In exceptional instances, an offender may request not to be transferred. Offenders who do not desire to be transferred may submit a request to the ASAP director in the jurisdiction of conviction for approval consideration. The request to not transfer may be granted, provided that all ASAPs involved agree in writing. In the event that there is not consensus among the ASAPs, offenders shall submit a written request to the commission via the ASAP director outlining their justification. A copy of the request and commission response shall be documented in ECM. Whenever, a court directs that a case not be transferred, the ASAP shall comply with the court order, and commission approval is not required.

Offenders who choose to pre-enroll must do so at the ASAP serviced by the court of jurisdiction prior to any transfer.

Section 5.2 Cases Not Under the Jurisdiction of the Court (Administrative Cases)

Offenders enrolling in ASAP who are no longer under the jurisdiction of a court may enroll in an ASAP of their choice, provided they are not petitioning for a restricted driver's license. When offenders with an ASAP requirement desire a restricted license, they shall be directed to file a petition with the original court of jurisdiction and enroll in the ASAP serving that court. The ASAP, where the restricted license was issued, may transfer the case to another servicing ASAP of the offender's choice. Offenders enrolling to fulfill just an administrative ignition interlock requirement will be supervised for ignition interlock only.

Once enrolled, the court issuing the restricted license will continue to assume legal authority over the conditions of the restricted license, but not ASAP probation, unless the restricted license order specifies ASAP supervision. Whenever offenders are found to be in violation of their license restrictions, the court shall be notified. The court may elect to modify or revoke the restricted driving privileges.

Normal intake, classification, intervention and transfer procedures shall apply unless the offender already successfully completed all ASAP requirements except full payment of fees. If payment of fees is all that is required, the case may be completed in DMV once all outstanding fees plus the administrative processing fee are paid.

Whenever offenders, who enrolled as administrative cases, are noncompliant, the ASAP shall notify them within five working days to resolve any problems. If the offender continues to be noncompliant with the conditions of the participation agreement, the ASAP may terminate services and close the case as unsuccessful. The offender may reenroll by paying the VASAP reinstatement fee to the servicing ASAP, provided the reenrollment occurs within one year of the original administrative enrollment. If reenrollment is attempted after one year from the original administrative enrollment, the offender must pay the ASAP fee again. Offenders should be clearly advised of this requirement prior to enrollment.

Section 5.3 Transfer Case Reporting

Since ECM enables every ASAP to view all offender files in the state, transfers shall be made via ECM in lieu of hard copy. It is important that good communication is maintained between the originating ASAP and the servicing ASAP when a case is transferred. The originating ASAP must notify the servicing ASAP via telephone, email, or other method whenever a case transfer has been made in ECM. The servicing ASAP shall provide the originating ASAP with the following: 1) acknowledgement of the receipt of the transferred case within five days; 2) a report of the offender classification and prescribed intervention; 3) any applicable reports of noncompliance within five days of determination; and 4) a final report 30 days prior to the probation end date.

The originating ASAP shall be responsible for making a successful completion entry into the DMV system.

Section 5.4 Cases from Federal and Out-Of-State Courts

Persons convicted of DUI in other states, or in a federal court, whose licenses are subject to revocation in Virginia, will be treated as if their convictions occurred in the Commonwealth. If they wish to drive in Virginia, they must petition the court in the county or city in which they reside in order to attend ASAP and get a restricted license. All Virginia requirements, to include ignition interlock, will apply.

Section 5.5 Out of State/Country Cases

Whenever offenders reside out of state, intake and classification shall be conducted by the ASAP prior to the transfer whenever possible. If an offender already resides or works in another state or country and cannot personally appear at the ASAP office for intake, the ASAP shall send an enrollment and intake package to the offender. Upon receipt and review of the paperwork from the offender, the ASAP may complete the intake process over the telephone. Based upon the classification determined by the ASAP, offenders may be eligible to complete ASAP education via a live virtual class, if available. Otherwise, offenders must find and complete appropriate educational and/or treatment services in their localities which are comparable to those required in Virginia.

No education or treatment program shall be commenced without prior ASAP approval. This must be clearly communicated to the offender. While the offender may be required to locate a qualified treatment or education provider, the ASAP shall be responsible for verifying the suitability of the education curriculum and the qualifications of any treatment provider (if applicable).

Upon approval of the ASAP, offenders may complete their required classes out of state, provided that the content and duration of the courses are comparable to the Virginia curriculum. Offenders may be required to provide a copy of the course syllabus. It is the responsibility of case managers to actively monitor out-of-state offenders.

Offenders (other than those operating with a Virginia driver's license) must provide the ASAP with two copies of their driving records from the state in which they reside: (1) an initial transcript dated within 30 days of enrollment, and (2) a final transcript dated within 30 days of ASAP completion. ASAPs shall not record successful completion of out-of-state cases until the final driving transcript has been received and reviewed.

It is recognized that in some areas of the world, services comparable to those required in Virginia may not be available. In such cases, the ASAP should consult with the commission office for guidance.

Part VI: Intake

Section 6.1 Group Sessions

It is recognized that in order to improve efficiency, some enrollment and intake paperwork, and other processes, may be facilitated by case managers or other staff in group sessions. For example, it is permissible to show general orientation videos, review program expectations, complete the intake questionnaire, etc. in a group session; however, this may not substitute for a one-on-one intake interview with a case manager.

Section 6.2 One-On-One Interview

The sequence and content of a typical intake interview are outlined in this document. In general, offenders shall be provided with a good overview of the ASAP process, anticipated activities, and probationary expectations.

The case manager must use the time allotted for the intake in an efficient manner, being cognizant of staying on task, but not rushing the process to the detriment of the offender. Case managers are responsible for answering all offender questions about the ASAP and probationary process. The offender may also be directed to the Commission on VASAP website where frequently asked questions are answered. Spending a little extra time during intake may save a lot of time later and improve offender compliance.

The case manager shall ensure that the basis for the offender classification is documented in ECM.

Section 6.3 Case Manager Introduction

Case managers are required to introduce themselves to the offender and provide their contact information, preferably on a business card. Offenders need to know that case managers are there to help them and want them to succeed. Offenders must also understand that they are on probation for a criminal offense and they will be held accountable for any violations of their probationary requirements. Regardless of the nature of the offense or the demeanor of the offender, case managers are required to be respectful and provide good customer service while adhering to all VASAP and court requirements. Case managers must always remember the nature of their role; they are not substance abuse counselors or treatment providers.

Section 6.4 Verification of Personal Data and Contact Information

Offenders should understand that any changes in their address, telephone, or email are to be reported immediately to the ASAP. As discussed earlier, email should not normally be used for exchanging confidential information with offenders unless they specifically request that this method of communication be used, and written authorization is given after being advised of the potential risks involved.

Section 6.5 Consent for Release of Confidential Information

Case managers shall ensure that offenders have completed all applicable Consent for Release of Confidential Information forms and that they are signed, dated, and executed properly (see pages 59-62). The offender should be advised of the process for revoking consent.

Section 6.6 Payment of Fees

Case managers must verify that all ASAP fees have been paid or that a payment plan is in place. Offenders must be advised of their obligation to pay and the potential consequences of nonpayment.

Section 6.7 Breath Screening Tests

Offenders must be advised of the ASAP breath testing policy and whether abstinence is a probationary requirement of the court. While ASAPs are not authorized to require offenders to maintain abstinence unless there is a court order, a requirement of ASAP participation is that offenders may not report to an ASAP facility or activity at any time with a positive blood alcohol concentration. Also, treatment providers may require abstinence as a component of their treatment regimen.

Whenever possible, all offenders shall be breath tested prior to meeting with the case manager for intake as well as at the beginning of all ASAP education classes. Breath tests may be conducted at other times whenever alcohol use is suspected during ASAP activities. ASAPs may not charge an additional fee for conducting a breath test. Breath testing is included in the ASAP fee.

If the offender has a positive reading on a breath test when reporting for intake, the appointment shall be discontinued and rescheduled for another date. Offenders with any positive readings during ASAP education classes shall not be permitted to remain in class, and a report of the incident shall be submitted by the instructor to the ASAP case manager for appropriate action. Offenders who register a positive BAC during ASAP activities, must be cautioned not to drive and advised of the consequences of doing so.

All breath testing devices shall be calibrated periodically as recommended by the manufacturer. Written documentation of calibration results shall be maintained.

Section 6.8 Drug Tests

ASAPs may not administer drug tests to offenders unless written direction or permission has been received from the court. The only exception to this would be when statutory authority exists in the Code of Virginia. The court, in its discretion, may specify the frequency and duration of drug testing. Unless otherwise directed by the authorizing judge, all positive test results for illicit drugs will be immediately reported to the court. Offenders will be charged an additional fee for drug tests, not to exceed the amount permitted by the most current commission-approved fee schedule.

Whenever drug tests are required, the most reliable results are obtained from observed urine tests. However, with ever-changing technology, ASAPs are encouraged to explore the possibility of using cost-effective, onsite screening methods (such as oral swabs) for the initial detection of prohibited substances.

If the ASAP opts to offer an onsite drug screening test, the sample will be analyzed in the presence of the offender and the results immediately communicated. If the screening test reveals the presence of illicit drugs, the offender will be afforded the opportunity to sign a drug use admission form. Absent admission of drug usage or presentation of a valid prescription for medicinal purposes, all positive samples shall be submitted to a certified laboratory for confirmation testing at the expense of the offender. Whenever a contested screening test is submitted for confirmation testing, and the result is negative, the offender shall not be charged for the confirmation test, or a refund shall be issued, as applicable.

If at any time reasonable cause exists to believe that offenders are using drugs in violation of the conditions of their probation, the ASAP shall request authorization from the court to administer drug tests.

Treatment providers may require regular or random drug testing as a component of their treatment plans. ASAPs shall follow the reporting requirements of their respective courts when a treatment provider reports that an offender has a positive drug test.

Section 6.9 Police Incident and Accident Reports

Police incident and accident reports, if available, can be good sources of information to aid case managers in the classification of offenders. For example, the BAC and the time of the DUI offense are helpful in determining the extent and nature of an offender's alcohol abuse.

Section 6.10 DMV Driving Record and Compliance Summary

An initial DMV driving record shall be reviewed to determine if the offender has prior offenses or has committed additional offenses since trial. Special attention should be given to DUI offenses that have been reduced to lesser charges such as reckless driving, and “non-motor vehicle related” convictions which are determined to be alcohol related. To determine the nature of a non-motor-vehicle conviction, a best practice is to check the online Virginia Judicial Court System. Such offenses shall be considered when determining the appropriate classification of offenders.

If a current DMV compliance summary is available, the case manager should review the requirements for full license restoration with the offender.

Section 6.11 Intake Questionnaire Review

The intake questionnaire provides very important self-reported information for use in the classification of offenders. Case managers are required to carefully review each item on the intake questionnaire and obtain additional details from the offender as necessary to clarify the content provided. Case managers must use the Intake Questionnaire approved by the Commission on VASAP. Whenever it is subsequently determined that an offender has not been forthcoming by purposely giving false or misleading information, the offender may be subject to reclassification.

Section 6.12 ASAP Participation Agreement

Case managers must ensure that offenders complete an ASAP participation agreement and that it is signed and dated in the proper places (see page 55). A line-by-line review of the participation agreement shall be made with offenders. At a minimum, case managers should determine if there are any questions regarding probationary expectations and explain the consequences of noncompliance.

Section 6.13 Ignition Interlock Agreement

If applicable, case managers shall ensure that the ignition interlock agreement is signed and dated, and that a line-by-line review is conducted with offenders. Offenders must understand all of the information on the agreement, especially with regard to initial start-up testing, retesting, rolling retests, monthly calibration, circumvention, and the requirement that they be positioned clearly in view of the camera when submitting breath samples. It is particularly important that offenders are advised not to use any products containing alcohol in the vicinity of the ignition interlock. Also, offenders need to understand that substantiated violations will result in extension of their interlock time, and may necessitate a return to court, or reclassification. Case managers shall comply with all other requirements as outlined in the most current issue of the

Commission on VASAP Ignition Interlock & Remote Alcohol Monitoring Process & Procedure Manual.

Section 6.14 Ignition Interlock and Remote Alcohol Monitoring Device Vendor Selection

Case managers and other ASAP employees shall avoid any action or statement that will in any way affect which ignition interlock or remote alcohol monitoring device vendor offenders select. Offenders must be directed to where they can obtain a list of approved ignition interlock and remote alcohol monitoring device providers; however, any questions regarding service center locations, hours of operation, policies, prices, etc. shall only be answered by the applicable vendors. It is the responsibility of offenders to contact the state-approved vendors to determine which company best meets their needs.

Promotional material from ignition interlock and remote alcohol monitoring device vendors may be displayed in common areas of ASAP offices; however, no particular vendor's display should have prominence over that of a competitor. It is the vendor's responsibility to ensure that promotional materials are in stock at the ASAPs and that all provided information is accurate.

Section 6.15 Offender Intervention Classification

There are two basic offender intervention classifications: intensive education and treatment assessment.

Case managers shall classify offenders in a manner consistent with current standardized commission-approved guidelines. In almost all cases, classification will be consistent with the standardized guidelines; however, classification guidelines are just that...guidelines. There may be times when a review of the totality of the circumstances leads a case manager to conclude that a higher level of classification than indicated by the guidelines is appropriate and would be most beneficial. If this is the case, the case manager must obtain the approval of a supervisor or ASAP director, and then fully document the justification for any deviation from the commission-approved classification guidelines in ECM. At no time shall the classification be lowered to a level inconsistent with the classification guidelines.

Whenever offenders are transferring from another ASAP, and they have already been classified, the intake classification made at the originating ASAP shall be maintained by the servicing ASAP; however, the offender shall be reclassified if intervention has not commenced and it is readily apparent that the originating ASAP misclassified the offender.

Part VII: Classification Guidelines

Section 7.1 Treatment Assessment Classification Guidelines

Only one of the below criteria is required to classify an offender to treatment assessment. Do not include the current conviction/offense when considering “prior” events. All offenders referred to VASAP who do not meet the criteria for a treatment assessment shall be classified as intensive education.

1. Self-admission of an alcohol or other drug problem.
2. A prior alcohol or other drug-related driving conviction.
3. Prior alcohol or other drug-related treatment or education as a result of substance abuse within the last five years.
4. Prior detoxification or medical attention due to substance abuse.
5. More than one alcohol-related or other drug-related, nondriving conviction.
6. A BAC of 0.15 or higher at the time of arrest (applies to driving offenses only).
7. A positive reading on a breath alcohol screening device or drug screen during any ASAP appointment, meeting or class, or an alcohol-related ignition interlock violation.
8. A new alcohol or drug-related charge with both the offense and conviction dates occurring during the ASAP probationary period.
9. Mandated treatment from a referral source, even when treatment criteria are not met.
10. Improper use of any drug with the potential to lead to chemical dependence within the past five years.
11. Use of any illicit drugs since the current offense.

Part VIII: Intervention

Section 8.1 Assignment to ASAP Classes

Offenders should be assigned to the first available, suitable class. Consideration should be given to accommodating offenders by assigning them to classes at times and locations that will maximize their ability to be present for all sessions. Commencement of classes is required within 60 days of intake with the exception of treatment education classes. Justification for any delays shall be fully documented in ECM.

Section 8.2 VASAP Curricula

The Commission on VASAP has contracted with The Change Companies to produce classroom workbooks for offenders attending ASAP classes. The workbooks and the curricula are copyrighted and shall not be reproduced, released, or used in any other form, without the written consent of both the Commission on VASAP and the Change Companies.

The following workbooks have been published for use by offenders based on their classification:

Intensive Education Group Workbooks – To be used in the 5-week (10-hour) intensive education classes.

Treatment Education Workbook – To be used in the 4-week (10-hour) treatment education classes.

Young Offender Program Workbook – To be used with persons convicted of underage, nondriving offenses in a commission-approved format.

Each workbook is designed to be interactive, incorporating reflective journaling activities to personalize the experience for each offender.

Offenders are required to attend all scheduled sessions, actively participate in the ASAP education activities, bring their workbooks to class, and complete any in-class or homework assignments. Failure to comply with these requirements will be considered as noncompliance. Offenders, however, are not required to reveal personal information or to participate in activities that are not directly related to the curriculum content.

Absence from any Intensive Education class is generally not permitted unless approval has been granted in advance by the ASAP due to the offender experiencing significant, unavoidable circumstances. However one excused absence may be permitted in the discretion of the ASAP director when there is legitimate justification such as in the case of death in the immediate family or serious illness of the offender. Offenders who miss a class, or anticipate missing a class, must contact their case manager as soon as possible for instructions. ASAPs are required to provide a Week 6 make-up class that follows the content as provided by the Commission on VASAP.

Offenders who miss the first class or have more than one absence will be required to restart with a new class group.

Generally, absences are not permitted for the 4-week Treatment Education class since there is no makeup class; however, ASAP directors may excuse a single absence (for sessions 2, 3, and 4) in extreme, extenuating circumstances. Offenders whose absence to a Treatment Education class session is excused shall complete makeup work as assigned by the instructor. Offenders who miss the first Treatment Education class or have more than one absence will be required to restart with a new class group.

Class instructors shall use Commission-approved instructional materials when facilitating classes. Any supplemental instructional materials must be approved by the Commission on VASAP prior to use.

ASAP education classes are subject to announced or unannounced monitoring by VASAP state office staff at any time. ASAP directors are encouraged to periodically observe their education classes as well.

Section 8.3 Referrals for Treatment Assessment

Offenders classified as “treatment assessment” shall be required to select a qualified treatment service provider. Offenders should understand that the assessment and any subsequent treatment fees are not included in the ASAP fee. As a convenience to offenders, the Commission on VASAP maintains a directory of qualified treatment service providers on its website. ASAPs shall refer offenders to the website; however, they must in no way influence an offender’s selection of a treatment service provider. Offenders may choose a provider while at the office or they can make a selection later, provided the treatment assessment is completed within 60 days of ASAP intake. This affords offenders ample time to select a provider whose operational hours are most compatible with their work schedules and transportation requirements, as well as to compare service locations and prices. Once a vendor is selected, the offender must notify the ASAP immediately. Offenders shall be clearly advised of their options and requirements when selecting a treatment service provider. In order to prevent any appearance of favoritism, no advertising displays or meetings with treatment service providers shall be permitted at the ASAP offices, classrooms or where other ASAP activities occur.

Offenders may use treatment service providers not listed in the VASAP directory if the provider of their choosing otherwise meets all qualifications to be in the directory, submits documentation of such qualifications, and receives approval from the Commission on VASAP. In addition, all treatment programs for substance abuse that are administered under the direct care of a medical doctor shall be approved. If an approved provider is selected that is not on the VASAP directory, the offender is responsible for ensuring the provider sends all required reports to the ASAP case manager.

Providers conducting treatment assessments and treatment as a condition of ASAP probation shall be required to adhere to the conditions of the Commission on VASAP as outlined in the

Treatment Services Agreement. In the event the service provider does not adhere to the requirements of the agreement, (e.g.; not meeting VASAP reporting requirements), the ASAP director shall work with the service provider to bring them into compliance. In the event a service provider continues to fail to meet VASAP requirements, the ASAP should contact the commission for assistance. The Commission on VASAP has the right to remove service providers from the directory whenever they no longer meet licensing requirements or fail to adhere to the conditions of the Treatment Services Agreement.

Offenders with more serious complaints about improper service provider activity shall file complaints directly with the applicable state licensing agency.

If for some reason offenders desire to undergo a subsequent assessment, they may do so at their own expense, provided the assessment can be conducted within the required 60-day intervention time frame. The requirement to begin intervention within 60 days must be clearly communicated to the offender. If intervention does not occur within 60 days, noncompliance due to offender delay shall be reported to the court. Offenders who have multiple assessments conducted within the 60-day period have the discretion to choose which treatment provider they prefer.

In exceptional circumstances, offenders who are actively participating in treatment may be permitted to change treatment providers upon approval of the Commission on VASAP.

Out-of-state treatment must be administered by providers certified by the licensing authority in the applicable state. It is the responsibility of the ASAP to actively monitor out-of-state offenders. The ASAP may provide the offender with an information sheet (see page 76) to facilitate communication.

Offenders must be actively participating in substance abuse programs. Related programs such as family counseling, anger management classes, etc. will not be accepted in lieu of services specifically designed to diagnose and treat substance abuse.

Intervention must occur within 60 days of intake. Once the offender selects a service provider, the ASAP shall immediately send a Treatment Assessment Referral Notification to the provider (see page 65). Only the information listed on the Treatment Assessment Referral Notification shall be provided to the service provider in order to ensure an unbiased, independent assessment. The ASAP may provide additional case information to the service providers conducting the assessments, but only in response to their specific requests. The service provider will return the Treatment Assessment Referral Acknowledgment (see page 66) to the ASAP within five working days, indicating the scheduled time for the offender's treatment assessment. Within 15 days of completing the treatment assessment, the service provider will then submit the Treatment Assessment Report (see page 67) to the ASAP. This report will state the ASAM level of care and briefly describe the treatment plan. The service provider will use the Treatment Status Report (see page 67) to keep the ASAP aware of the offender's status on a monthly basis and to report successful completion. Treatment Status Reports for noncompliance must be submitted by the treatment provider within five working days.

Whenever the selected treatment provider assigns an initial ASAM level of care for which services cannot be provided (such as inpatient care or hospitalization), the offender will be required to find a facility that can execute the prescribed treatment plan.

Offenders who are assessed by a treatment provider as not needing treatment (0.5 ASAM level of care) shall be placed in the ASAP intensive education class and their classification will remain listed as “treatment assessment.” Offenders who are assessed as needing treatment will be required to adhere to the treatment plan as outlined by the treatment service provider and also attend the VASAP four-week treatment education class. The treatment education class may occur before, during, or after treatment; however, no offenders shall be enrolled in the four-week treatment education class prior to receiving a treatment assessment.

Occasionally, offenders will proactively complete a treatment program with a non-approved service provider prior to enrollment with the expectation of being credited by the ASAP. In these situations, the offenders shall still be required to have a treatment assessment conducted by a VASAP-approved service provider. If this assessment indicates that treatment is not necessary, the offender shall be placed in the intensive education program. If the ASAP verifies that the previous treatment provider met VASAP requirements, and receives written documentation that the treatment was successfully completed within one year of the ASAP enrollment and subsequent to the referred conviction, the ASAP shall credit the offender with completion of treatment and place the offender in the four-week treatment education class.

Offenders who are already in substance abuse treatment with a VASAP-approved provider at the time of ASAP enrollment may continue to receive treatment from their provider; however, credit for completion of treatment shall not be granted to offenders who are receiving services from treatment providers who are not VASAP approved.

Section 8.4 Special Intervention Procedures for Active Duty Military and Veterans

It is recognized that operational commitments often make it difficult or impossible for active duty military to meet ASAP intensive education attendance requirements. Accordingly, active duty military members who are classified by the ASAP for intensive education intervention, will be permitted to attend comparable military substance abuse education programs that fulfill ASAM Level 0.5 (Early Intervention) requirements in lieu of the ASAP Intensive Education classes. Persons who have already successfully completed such programs shall be given credit towards their ASAP intervention requirement, provided the intervention occurred within one year of the ASAP enrollment and subsequent to the referral offense.

Persons classified for treatment assessment by the ASAP, to include veterans, shall be permitted to receive services in a Veteran’s Administration or other military program comparable to outpatient treatment (ASAM Level 1.0) or higher. This will suffice to meet ASAP treatment intervention requirements; however, as is standard practice with all treatment cases, these probationers will still be required to attend the ASAP four-week treatment education classes. The ASAP shall contact the Commission on VASAP for guidance when persons are unable to

attend the four-week ASAP treatment education class within the probationary period due to military orders.

Part IX: Case Review

Section 9.1 Offenders on Court Probation for One Year or Less

When offenders are on ASAP probation for one year or less, case managers shall:

1. Monitor the ignition interlock, if applicable. Ensure that the ignition interlock is installed and then review the calibration reports each month for any violations. A notation shall be made in ECM each month indicating that the monthly calibration report was reviewed by the case manager, even if no violations occurred. Confirmed violations shall result in the offender beginning the required ignition interlock monitoring period over. Contact the commission if assistance is needed with interpreting an ignition interlock report. Offenders who want to contest a violation must talk to the case manager first, then the local ASAP director, prior to contacting the state office. Offenders who are in a revoked, suspended, ineligible, or not-licensed status (except for legitimate out-of-state license holders with a Virginia restricted license order), will not receive credit for interlock participation time until any outstanding DMV licensing requirements are satisfied. Case managers shall comply with the procedures outlined in the most current issue of the Commission on VASAP's Ignition Interlock & Remote Alcohol Monitoring Process & Procedure Manual.
2. Meet in person, virtually, or by phone with the offender within 60 days of either the restricted driver's license expiration, or the period of supervision as ordered by the court (applies only to persons still under the jurisdiction of the court). Offenders shall be advised that this is a mandatory component of their ASAP participation. No additional fees may be assessed for this meeting.
3. Conduct a DMV record check within 60 days of either the restricted driver's license expiration, or the period of supervision as ordered by the court. An ECM entry shall be made to indicate the date and findings of this record check. Any new DUI or other alcohol/drug-related conviction shall be reported to the court. The ASAP shall also notify the offender if there is any change in license status noted.

Section 9.2 Offenders on Court Probation for More Than One Year

When offenders are on ASAP probation for more than one year, case managers shall:

1. Monitor ignition interlock monthly and note in ECM each month that the calibration reports were reviewed.
2. Run a DMV record check during each case review and notify the offender of any change in license status. Indicate in ECM that the DMV check was completed.

3. Complete a case review every three months after completion of intervention during the first year of probation. A personal, face-to-face meeting is required for these case reviews.
4. Complete a case review every three months during the second year of probation. A personal, face-to-face meeting is required for these case reviews.
5. Complete a case review every six months during the third and subsequent years of probation. A personal, face-to-face meeting is required for these case reviews.

Section 9.3 Special Supervision Cases

Occasionally courts will direct ASAPs to supervise offenders for shorter periods of time than their DMV revocation periods. In these cases, the ASAP shall only provide supervision of the offenders for the length of time directed by the court. Upon completion of the required supervision period, the ASAP shall close its interest in the case and enter successful completion into the DMV. In no case shall the ASAP provide supervision beyond the time period ordered by the court.

Part X: Offender Noncompliance

Section 10.1 Noncompliance

ASAPs shall adhere to the noncompliance reporting requirements of the court of jurisdiction. All case managers should be fully aware of the noncompliance reporting requirements of each court serviced by the ASAP. Absent such direction, the court must be notified within 10 days of the ASAP becoming aware that an offender is noncompliant. ASAPs should continue to provide intervention and monitoring services for offenders who are pending a return to court for noncompliance unless otherwise directed by the court or referring authority. Noncompliance may include, but not limited to such things as: the offender never reports for enrollment or the intake appointment; the offender receives a subsequent DUI, felony, traffic, or any other type of conviction which may be relevant to the individual's probationary status; the offender appears at an ASAP class, session or appointment while, or immediately after, using alcohol or other drugs; the offender has positive alcohol readings on the ignition interlock; the offender is absent from an ASAP appointment or class session without approval of the case manager; the offender does not adhere to the treatment plan as outlined by the service provider; and/or the offender fails or refuses to pay appropriate fees.

All reports of noncompliance must be reviewed, substantiated and documented by the ASAP director or other designee, typically the senior case manager.

Section 10.2 Noncompliance Resulting in Reclassification

Certain violations, such as positive breath or ignition interlock tests, convictions for new alcohol-related offenses, etc. may result in offenders being reclassified for a treatment assessment. If the assessment indicates that treatment is appropriate, and the offender is already participating in an intensive education class, the five-week intensive education class should be completed along with any prescribed treatment regimen. In this case, the offender will not be required to complete the four-week treatment education class.

Section 10.3 Reporting Noncompliance to the Court

In many jurisdictions, a written noncompliance report to the court will suffice, and the case manager may not be required to appear in court. In other jurisdictions, the case manager must personally appear to testify in noncompliance hearings. Whenever the court is notified of probationer noncompliance, a copy of the noncompliance report shall be provided to offenders and their attorney of record (if applicable) prior to the noncompliance hearing.

Case managers who are required to go to court, should be fully prepared. Adequate documentation must be presented to demonstrate to the court that the offender knew the conditions of the probation, and that those conditions were violated. Case notes should be

reviewed thoroughly prior to court. Testimony should be concise and clear. Case managers are expected to dress and act professionally. Remember that any notes used to testify from may be subject to review during court; however, treatment records and the results of drug tests administered by treatment providers are not subject to disclosure unless the offender has granted written consent.

Whenever a noncompliance or revocation hearing occurs, and the status of the offender's case changes as a result, the ASAP shall take no action nor provide any direction to the offender until a written court document is received. Case managers should work with their clerks of court to ensure timely receipt of court documents.

Section 10.4 Minor Violations

ASAP directors and case managers have some discretion when addressing offenders' deviations from probationary requirements. Minor issues may be handled on a case-by-case basis. Any action taken to respond to offender behavior, and the rationale for the decision, must be fully documented in ECM. This is especially important since it may be a compilation of continuous minor violations that eventually warrants the offender being returned to court.

Part XI: Closing Cases

Section 11.1 Closing Cases in DMV

Whenever a case is under the court's jurisdiction, a successful completion may be entered into the DMV system 30 days prior to the offender's probation end date as long as the offender has successfully completed all ASAP requirements. This will enable eligible offenders to have their licenses restored without delay. A successful case is one in which all intervention and case monitoring has been completed as required, all ASAP fees have been paid, and a satisfactory DMV record check has been made. If it is determined that a new criminal traffic conviction has occurred subsequent to the DMV entry being made, but prior to the probation end date, the ASAP shall remove the successful completion entry from the DMV system and report the noncompliance to the court. If the court takes no action on the new criminal traffic conviction, then successful completion shall be entered into the DMV system on the probation end date. The ASAP should also confer with the court if the offender has any pending criminal traffic charges to determine its desire as to whether the ASAP-referred case should be closed or not. Due to the short time period involved in these scenarios, noncompliance reports may need to be hand delivered to the court.

When an offender administratively enrolls in, and successfully completes ASAP, the case shall be promptly closed in ECM and the DMV system. Since these offenders are not under the court's jurisdiction, (unless they have been issued a restricted license), the ASAP may not delay case closure due to new convictions or pending charges.

Section 11.2 Closing Successful Cases in ECM

Cases that are successful must be closed as successful completions in ECM. This completion entry may not be made prior to the probation end date.

Some courts may order the ASAP to cease supervision of an offender prior to the normal monitoring period (e.g., an order to supervise a DUI second offender for only 12 months). In a situation such as this, the ASAP shall close the case in ECM and the DMV system at the end of the period directed by the court. DMV, however, will not recognize the completion until the statutorily required revocation period has expired.

In some cases, the court may order that the offender be monitored for a period beyond the license suspension. The court order must specifically indicate that the ASAP is the entity responsible for monitoring the case beyond the license suspension period. In these cases, the offender shall remain under ASAP supervision for the duration of the time specified by the court; however, once the offender completes all ASAP requirements and the license suspension period has ended, the ASAP shall enter a successful completion entry into the DMV system. If the offender's case was transferred, the servicing ASAP shall monitor the case until the license suspension period

has concluded, at which time it will return the case to the originating ASAP for completion of the additional monitoring period required by the court.

Section 11.3 Closing Unsuccessful Cases in ECM

Cases that are deemed as noncompliant must be closed out in ECM as unsuccessful. The date of the entry may vary. ASAPs should not close a case if there is a pending show cause hearing, even if the date of the restricted operator's license has already expired. In these instances, the case will remain in an active status until the outcome of the show cause hearing.

There are some ASAPs that have been directed by their courts to immediately close interest in cases once a noncompliance report is submitted to the court. In this instance, the case must be closed in ECM as either "unsuccessful" or "pending show cause hearing." ASAPs shall adhere to the requirements of their respective courts when entering a closing date for unsuccessful cases.

In cases when an ASAP offender becomes incarcerated for a period of time exceeding the probation end date, the ASAP shall seek guidance from the court as to how the case will be disposed.

Section 11.4 Records Retention

All electronic offender records and physical files shall be maintained in accordance with the procedures established in the Library of Virginia Records Retention and Disposition Schedule. The only exception to this policy is whenever a final noncompliance determination by the court is pending or there is an outstanding capias. In these situations, the full file shall be maintained until resolution by the court.

Section 11.5 Completion Documents

Offenders who have successfully completed all requirements of the ASAP shall be issued the Commission-approved certificate of completion (see page 77).

Part XII: Other Case Management Services

Section 12.1 Intervention Interviews

Persons convicted of a second offense of driving while suspended or revoked prior to July 1, 2021 are required to report to an ASAP for an intervention interview. When conducting the intervention interview, case management staff shall provide each offender with a copy of their driving record and DMV compliance summary, review all applicable laws, provide guidance with respect to budgeting for payment of court fines and costs, and explain the consequences of future offenses. Offenders shall be charged for the intervention interview per the current commission-approved fee schedule. The ASAP shall make a successful completion entry into the DMV system once this requirement has been met.

Virginia license holders who are unable to physically report to an ASAP for the intervention interview due to residing out of state (such as for temporary work purposes) may complete a remote interview with the ASAP via telephone or video conference. Prior to scheduling a remote interview, offenders must provide proof of their new or temporary out-of-state residence. When the remote interview is conducted, the ASAP shall verify the identity of the caller (see page 10). Virginia residents who establish permanent residency in another state or country, and surrender their Virginia driver's license, should be directed to DMV to determine if their intervention interview requirement may be waived.

Section 12.2 Multiple Offender Restoration Petitions

The Code of Virginia, §46.2-391, permits persons who are declared to be multiple offenders to petition the adjudicating court, or the circuit court in which they reside, for restoration of full driving privileges (after five years) or restricted driving privileges (after three years). To be eligible for restoration, the offender must demonstrate three things: 1) at the time of the previous convictions, the petitioner was addicted to or psychologically dependent on the use of alcohol or other drugs; 2) at the time of the hearing on the petition, the petitioner is no longer addicted to or psychologically dependent on the use of alcohol or other drugs; and 3) the petitioner does not constitute a threat to the safety and welfare of himself or others with regard to driving a motor vehicle. Prior to acting on any petitioner's request, the court will require the ASAP to make recommendations to the court regarding the petitioner's suitability for license restoration. ASAPs shall not initiate any restoration evaluation until a court order has been received.

The format and content of all multiple offender restoration reports shall meet the requirements of the applicable court. Some suggested methods for obtaining information to support the ASAP's recommendation to the court, may include:

- 1) conducting a thorough face to face interview with the petitioner,
- 2) administering a drug test to the petitioner,

- 3) checking the petitioner's criminal record (if available),
- 4) checking the petitioner's driving record, and
- 5) obtaining references from persons familiar with the petitioner's current substance use patterns.

Upon receipt of the court's order to conduct a multiple offender evaluation, and payment of the evaluation fee, the ASAP shall enter an enrollment date in the DMV system corresponding to the offense which qualified the offender for multiple offender status. This is necessary in the event the court restores the petitioner's driving privileges without referring the individual to an ASAP.

Upon completion of the aforementioned activities, the case manager shall prepare a written report for consideration by the court. The report shall contain a recommendation as to whether the petitioner should be granted full driving privileges, restricted driving privileges, or no driving privileges. Full justification for the recommendation shall be provided. The ASAP report shall serve as only a recommendation to the court. The court will make the final determination as to whether the petition for license restoration is granted.

Section 12.3 Community Service Monitoring

In conjunction with other sanctions, it is not uncommon for courts to require offenders to perform community service. ASAPs may be tasked by the court with monitoring community service hours, and in some cases, selecting offenders' work locations. If a specific community service activity is not designated by the court, ASAPs shall select suitable non-profit service organizations where offenders may complete community service hours. Offenders may not be assigned to work at an ASAP or any work site associated with their own family or an employee of the supervising ASAP. At the discretion and approval of the ASAP, offenders may be permitted to select acceptable organizations of their choice.

It shall be the responsibility of the ASAP to verify that all required hours have been met by reviewing time sheets of the work completed, and calling the onsite supervisor. The ASAP may charge offenders to monitor their community service at the rate authorized by the current commission-approved fee schedule. Once completion of the community service hours is verified, the court of record shall be notified.

ASAPs must obtain proper risk insurance for community service prior to making referrals.

Part XIII: Offender Files

Section 13.1 ECM File Content

Case information for all offenders must be maintained in the commission-approved electronic database, ECM. ECM is the official case record. At a minimum, the following documents must be scanned into ECM under the document tab:

1. Court Order or Referral Documents. This area of the case file should include applicable referral documents such as the DC-261 (Restricted License Order) form, the DC-262 (Order to Enter into Program), the DC-265 (Restricted Driver's License Order and Entry into Alcohol Safety Action Program) form, the DC-266 (Restricted License Conditions – Ignition Interlock Order) and the DMV Compliance Summary (see pages 47-48 and 53).
2. Initial Driving Record. An initial DMV driving record of the offender must be reviewed at the latest practical time prior to intake since there may be recent offenses. Look for past DUI offenses which will impact the classification level. Also, look carefully for other alcohol/drug related convictions, such as DUI charges that were reduced to reckless driving. Only the initial DMV record and any subsequent reports showing new violations are required to be maintained in the file. Preferably, the scanned copy of driving record will be included in ECM. Absent this, documentation of the review date and findings may be entered in the ECM notes. (see pages 50-52).
3. Consent for Release of Confidential Information Forms. Commission-approved forms for the release of confidential information shall be signed by the offender. Authorization to release confidential information to the court of record or referral, the Commonwealth Attorney, defense attorney of record or referral, other applicable criminal justice and law enforcement agencies, DMV, and the state-approved ignition interlock providers may be granted on a single consent form. Separate consent forms need to be completed by the offender for each treatment provider and other individuals (see pages 59-62).
4. ASAP Participation Agreement (see page 55). All required elements of the commission-approved participation agreement must be included in the ASAP's participation agreement. Additional local requirements may be added as well to the conditions of probation.
5. Commission-approved Intake Questionnaire. A commission-approved intake questionnaire shall be used to record the offender's current address and contact information, and to inquire about the offender's activities at the time of arrest, historical and present use of alcohol and other drugs, family history of substance abuse, and other data useful for the proper classification of the offender (see page 56).

6. Ignition Interlock Agreement. The Ignition Interlock Agreement shall be signed by the offender on a form approved by the commission.

7. Intensive Education Final Report. An intensive education final report shall be completed by the facilitator within five days of the offender's successful completion of the five-week intensive education program. Noncompliance or unsuccessful completion should be reported as soon as possible, but no later than five days after any events that may warrant the removal of an offender from a class.

8. Treatment Education Final Report. A final treatment education report shall be completed by the class facilitator within five days of the offender's successful completion of the four-week treatment education program. Noncompliance or unsuccessful completion should be reported as soon as possible, but no later than five days after any events that may warrant the removal of an offender from a class.

9. Treatment Assessment Report. If an assessment indicates that an offender needs treatment, a written treatment plan shall be obtained by the ASAP from the treatment provider within 15 days of the assessment. If applicable, documentation that treatment is not required must be included.

10. Treatment Status and Final Report. The treatment provider will report on the status of the offender every 30 days. Any noncompliance should be noted on this form and submitted as soon as possible to the ASAP, but no later than five days from the noncompliance. This same form shall serve as the final report upon successful completion of treatment. The final report should be submitted to the ASAP within 15 days of the offender's discharge from treatment.

11. Authorization to Drug Screen. This document is only required in the offender file if the court order pertains exclusively to the particular offender. A blanket court order authorizing drug screening of multiple offenders is not required to be placed in every individual offender file.

12. Abstinence Orders. This document is required when offenders have been ordered by the court to remain abstinent during their probationary period.

12. Email Authorization Form. This form authorizes the ASAP to communicate with the offender via email.

Part XIV: Offender Complaints and Emergencies

Section 14.1 Addressing Offender Complaints and Concerns

ASAPs sometimes deal with offenders who voice complaints or become disagreeable. Case managers have a responsibility to work with offenders to facilitate the monitoring process to ensure it goes as smoothly as possible and desired outcomes are reached. The following tips are provided for dealing with upset offenders:

1. Do not take complaints personally or become defensive. Being defensive will only escalate a situation.
2. Allow offenders to speak. Only interrupt to restore calm and to keep the conversation on task. Offenders often just need to vent. Let them do this; however, there is no requirement to continue a conversation with offenders who are abusive, threatening, profane, or obviously intoxicated.
3. Express sympathy and acknowledge offenders' feelings. Even if you do not agree with their position, making statements such as, "I can see that this situation is frustrating for you" will be appreciated.
4. Take responsibility for your own actions and apologize for your errors. Do not apologize for, or blame, others. If it appears an ASAP employee committed a major offense that may result in civil or criminal liability, do not comment about the situation. Advise offenders that the matter will be investigated and someone will get back with them.
5. Document encounters. Do this immediately while details are still fresh and your memory of events is still accurate. Record the names of any witnesses and get their statements recorded as well.
6. Summarize the nature of complaints back to offenders. Recap the nature of the complaints to the offenders so that they know you have listened and understand their perception of the circumstances.
7. State your plan for rectifying any problems. Explain how you plan to proceed to investigate or solve the problems.
8. Keep offenders informed as to your progress. Stay in communication with them and let them know when to expect a response.
9. Advise offenders how their problems or complaints were addressed and the resolution. Let them know what steps were taken to ensure there are no similar occurrences in the future.
10. If offenders' complaints are not valid, review the facts thoroughly with them and

provide the rationale for any ASAP actions. Educate the complainants. For example, a particular course of action may be required by the Code of Virginia, a court order, or state regulations.

11. If offenders are not satisfied with the resolution of their complaints or inquiries, refer them to the local ASAP director. It is expected that most complaints will be resolved at this level.

12. If the ASAP director cannot resolve the issue, offenders may be directed to the Commission on VASAP, but this should not be the norm. Upon request, offenders should be provided with the commission address and telephone number. Ideally, grievances should be made in writing and submitted to the commission office via email at info@vasap.virginia.gov. Notification of all offender complaints that are required to be resolved at the commission level will be reported to the applicable local ASAP policy board. Offenders should only be referred to the commission office after all efforts to resolve issues have been exhausted at the local level. Not all complainants can be pleased. The goal is to reach a successful resolution.

Section 14.2 Emergencies

Due to the debilitating effects of alcohol and other drug abuse, occasionally an offender may exhibit signs of physical or mental distress. Whenever an offender appears to be experiencing a serious medical emergency, ASAP staff should not hesitate to call 9-1-1 or the local rescue squad.

If an offender displays signs of alcohol or other drug impairment, exhibits psychotic or suicidal behavior, or becomes violent or threatening, 9-1-1 or the local law enforcement number should be called. ASAP staff should seek a safe, secure place in the office while awaiting the arrival of law enforcement.

For the protection of staff and other offenders, the local ASAP may prohibit firearms on the ASAP premises or during ASAP activities, provided the local policy board has passed a resolution to that effect. There should be a prominent sign advising of the policy posted within view of the ASAP office and classrooms.

ASAPs should have a plan for responding to emergencies, to include information on physical security, layout of office space, escape routes, etc. All staff should be periodically trained on security procedures.

Part XV: Common Documents, Forms, and Instructions

Section 15.1 General District Court Forms

DC-265

The DC-265 is used to refer DUI offenders from court to an ASAP, and also to grant restricted driving privileges. The DC-265 is primarily for use with adult offenders.

The DC-265 includes the nature of the charges, offender's DOB, offender's DL number, name of the ASAP, and the effective date of the restricted license. Be sure the date of birth and driver's license number on the DC-265 match the driver's license information of the offender reporting to the ASAP.

Ensure that offenders heed the warning at the bottom of page one that informs them that altering or forging the restricted license order is a separate crime.

The Supreme Court prints its forms on safety paper to prevent forgery and tampering. If the form has corrections or changes on the safety paper, check with the court since clerks are supposed to retype the entire form if an error is made.

On the back of the DC-265, there is a place for the ASAP to endorse the document to verify that the offender has enrolled in the program. A signature of the ASAP employee with an ASAP stamp or seal should be affixed to verify enrollment, even though ASAP enrollments are transmitted electronically to DMV. The DC-265 becomes invalid after 15 days from the date of the order (usually the conviction date) if it is not endorsed by the ASAP. Once endorsed, the DC-265 becomes valid for additional time (up to 60 days from the effective date of the court order). This extension is permitted to give the offender additional time to go to DMV and get a plastic restricted license. Once the plastic restricted license is issued, the offender must have both the plastic restricted license and the DC-265 in possession when driving.

DC-261

The DC-261 is actually pages two and three of the DC-265 and several other forms. It lists the specific conditions under which the offender is permitted to drive while restricted. Check to see if the block requiring an ignition interlock is checked. If an ignition interlock is required, the offender should also have a DC-266 form. Additional conditions of the restricted license are indicated on the back of the DC-261.

DC-262

The DC-262 is used primarily for adult offenders. The DC-262 may also be used instead of the DC-265 for adults entering ASAP when a restricted driver's license is not issued. The DC-262 is

commonly used to order persons into ASAP who have been charged with first offense drug possession, or underage possession/use of alcohol. For juveniles charged with DUI or certain drug or alcohol offenses, the DC-576 (the Driver's License Denial Order) may be used instead of the DC-262.

DC-266

The DC-266 is the ignition interlock document. The form tells whether the offender is required to have the ignition interlock installed on only the car being driven (first offense), or on all cars owned or registered to the offender, in whole or in part (second or subsequent offense). Occasionally, a court will require all of the offender's vehicles to have an interlock, even for a first offense.

The DC-266 informs the offender that installation must occur within 30 days of the effective date of the order, and that regular reporting is required for monitoring and calibration.

The court may use this form to authorize offenders with an ignition interlock requirement to operate a vehicle in the course of their employment which is not ignition interlock equipped. The employer has to petition the court for this privilege to be granted, and if approved by the court, this privilege does not permit the operation of school buses, school vehicles or commercial motor vehicles.

There is also a place on this form where the court can indicate whether the offender is indigent. If the indigent block is checked, the offender should be directed to apply to the commission to determine the level of indigency. The court usually looks primarily at income. At the commission office, a more thorough analysis is made to include examining the offender's expenses. Both court and commission approval are required before ignition interlock installation and calibration fees will be waived or reduced. The commission will determine what percentage of the fees will be waived, and for how long, unless specifically directed by the court.

The back of the DC-266 has a place where the ASAP office will endorse the form to indicate that the ignition interlock installation has taken place. The form must be endorsed by the ASAP. The offender should then present the DC-265 and the DC-266 to DMV in order to get a plastic restricted license, although confirmation of ignition interlock installation is now communicated to DMV electronically. The DC-265 and the DC-266 must be carried with the plastic restricted license when driving.

DC-359

The DC-359 form is used when adult drug offenders are convicted of an offense found in §§ 18.2-247 through 18.2-264 of the Code of Virginia or are given pre-conviction probation prior to conviction as a first-time offender pursuant to § 18.2-251. The DC-576 or DC-577 form should be used if a juvenile is found to be delinquent and is ordered into a program for a drug offense.

The DC-359 is a three-page form. The first page is designated as Form DC-359. The DC-261 form serves as pages two and three.

DC-576

The DC-576 form is used for cases of driving while intoxicated or with certain alcohol-related or drug-related matters pursuant to §§ 4.1-305, 4.1-306, or 16.1-278.9 of the Code of Virginia, failure to comply with school attendance, and meeting requirements under § 22.1-258. This form is used whenever an offender enters an Alcohol Rehabilitation Program under § 16.1-278.9, even if no restricted license is ordered. VASAP and DMV use this form to provide better record keeping regarding program participants. If the offender is ordered into a program for a nontraffic offense pursuant to § 16.1-278.8(9), then Form DC-577 is used. The DC-265 is only used for a juvenile when a deferred finding is dissolved and the juvenile is convicted.

The DC-576 is a three-page form. The first page is designated as Form DC-576. The DC-261 form serves as pages two and three.

Section 15.2 DMV Records

DMV Driving Record

TRANSCRIPT OF DRIVER HISTORY RECORD AS OF 08/07/2015 PAGE 1
LAW ENFORCEMENT/COURT REQUEST

REQUESTED FOR: TRIAL DATE REQUEST RECEIVED
COMMISSION ON VASAP
701 E FRANKLIN ST STE 1110
7TH & FRANKLIN BLDG
RICHMOND, VA 23219-2503

REQUESTED BY: TRIAL DATE REQUEST RECEIVED
COMMISSION ON VASAP
701 E FRANKLIN ST STE 1110
7TH & FRANKLIN BLDG
RICHMOND, VA 23219-2503

INFORMATION PROVIDED BY REQUESTOR: [REDACTED]

*** ATTENTION: FR REQUIRED - DOUBLE MINIMUM LIMITS FR44 ***
*** ATTENTION: PREVIOUS DWI ***

[REDACTED], [REDACTED] BIRTH DATE: [REDACTED] SEX: [REDACTED]
[REDACTED] MECHANICSVILLE, VA 23116 WEIGHT: [REDACTED] HEIGHT: [REDACTED]
EYES: [REDACTED] HAIR: [REDACTED]

RESIDENT JURISDICTION: HANOVER COUNTY
ADDR CHG DATE: 03/10/2010

CUSTOMER NUMBER:

DRIVER LICENSE STATUS: LICENSED COURT RESTRICTION(S): YES
COMMERCIAL DRIVER STATUS: NOT LICENSED DRIVER POINT BALANCE: -5

COURT RESTRICTIONS: TO/FROM WORK TO/FROM ASAP MEETINGS
DURING WORKING HOURS TO/FROM MEDICAL SERVICES
IGNITION INTERLOCK TO/FROM WORSHIP PLACE
TO/FRM JAIL/WORK RELEASE

PRIOR 01/15/2009 [REDACTED]
ADDRESS RESIDENT JURISDICTION: CHESTERFIELD

CURRENT DATE ISSUED: 05/11/2015 EXPIRES: 07/16/2019 RSN: LICENSE ISSU
LICENSE LICENSE TYPE: DRIVERS LICENSE ISSUE TYPE: REISSUE
CLASS: NONE
ENDORSEMENTS: NONE
RESTRICTIONS: CORRECTIVE LENSES
DOC DISCRIM: [REDACTED]
INV CNTRL NO: [REDACTED]

CUSTOMER NUMBER: [REDACTED]

NAME: [REDACTED]

PREVIOUS LICENSE DATE ISSUED: 11/07/2011 EXPIRES: 07/16/2019 RSN: LICENSE LOST
LICENSE TYPE: DRIVERS LICENSE ISSUE TYPE: DUPLICATE
CLASS: NONE
ENDORSEMENTS: NONE
RESTRICTIONS: CORRECTIVE LENSES
SURRENDERED: 04/15/2015 SURRENDERED RSN: COURT ACTION
DOC DISCRIM: [REDACTED]
INV CNTRL NO: [REDACTED]

PREVIOUS LICENSE DATE ISSUED: 06/01/2011 EXPIRES: 07/16/2019
LICENSE TYPE: DRIVERS LICENSE ISSUE TYPE: RENEWAL
CLASS: NONE
ENDORSEMENTS: NONE
RESTRICTIONS: CORRECTIVE LENSES
SURRENDERED: 11/07/2011 SURRENDERED RSN: LIC SURR BY SYSTEM
DOC DISCRIM: [REDACTED]
INV CNTRL NO: [REDACTED]

PREVIOUS LICENSE DATE ISSUED: 07/12/2006 EXPIRES: 07/16/2011
LICENSE TYPE: DRIVERS LICENSE ISSUE TYPE: RENEWAL
CLASS: NONE
ENDORSEMENTS: NONE
RESTRICTIONS: CORRECTIVE LENSES
SURRENDERED: 06/01/2011 SURRENDERED RSN: DL REQUEST

CONVICTED ON 04/15/2015 DRIVING WHILE INTOX, 1ST
OFFENSE DATE: 09/27/2014
GENERAL DISTRICT CT HANOVER COUNTY
DEMERIT PTS: 6 CODE SECTION: 18.2-266
COUNSEL: PRIVATE DEFENDANT: PRESENT
SUSP PERIOD: 12 MONTHS

COURT RESTRICTIONS:
TO/FROM WORK TO/FROM ASAP MEETINGS
DURING WORKING HOURS TO/FROM MEDICAL SERVICES
IGNITION INTERLOCK TO/FROM WORSHIP PLACE
TO/FRM JAIL/WORK RELEASE
RESTRICTION BEGIN DATE: 04/15/2015
RESTRICTION END DATE: 04/14/2016
ASAP ENROLL DATE: 05/07/2015 ASAP COMPLETED DATE:
ASAP REVOKED DATE:
CDL HOLDER: NO

CUSTOMER NUMBER: [REDACTED] NAME: [REDACTED]

SUSPENSION ISS: 04/28/2015 EFFECTIVE: 06/12/2015
FOR DD SUSP VASAP/REST 1ST
CONVICTION: 04/15/2015 GENERAL DISTRICT CT HANOVER COUNTY
ORDER DELIVERY DATE: ORDER PENDING RESP
COMPLIED WITH THIS ORDER: 05/11/2015
IGNITION INTERLOCK INSTALLED: 05/11/2015 PERIOD: M12
REMOVAL DATE:

CONVICTED ON 01/10/2012 RECKLESS DRIVING-GENERALLY-MISDEMEANOR
OFFENSE DATE: 10/29/2011
GENERAL DISTRICT CT HANOVER COUNTY
DEMERIT PTS: 6 CODE SECTION: 46.2-852
COUNSEL: PRIVATE DEFENDANT: PRESENT
ASAP ENROLL DATE: ASAP COMPLETED DATE:
ASAP REVOKED DATE:
CDL HOLDER: NO

THIS IS TO CERTIFY, IN ACCORDANCE WITH SECTION 46.2-215 OF THE CODE OF VIRGINIA, THAT THIS MACHINE PRODUCED TRANSCRIPT, TRANSMITTED BY ELECTRONIC MEANS TO COMMISSION ON VASAP IS AN ACCURATE DEPICTION OF THE DRIVING RECORD OF [REDACTED] DL NO, [REDACTED], AS MAINTAINED BY THE VIRGINIA DEPARTMENT OF MOTOR VEHICLES AS OF THE DATE PRINTED ABOVE; AND THAT ALL NOTICE OF ORDERS INDICATING PERSONAL DELIVERY TO THE DRIVER WERE SENT AND RECEIVED BY THE DRIVER PURSUANT TO SECTION 46.2-416 OF THE CODE OF VIRGINIA.

RICHARD D. HOLCOMB
COMMISSIONER

PLEASE NOTE: IT IS UNLAWFUL TO USE THE INFORMATION FURNISHED ON THIS TRANSCRIPT FOR ANY PURPOSE OTHER THAN THAT STATED AS YOUR REASON.

THIS ENDS TRANSMISSION.

DMV Compliance Summary

The compliance summary is designed to advise the offender of what steps need to be taken for eventual license restoration. For VASAP, it may serve as the referral document to verify that provision of ASAP services is authorized. The compliance summary include such requirements as:

- pay all court costs, fees and fines.
- file a Form FR-44 (Certificate of Insurance).
- complete VASAP.
- have an ignition interlock installed.
- pay the DMV reinstatement fee.
- take the written and road driving test

Customer Number: [REDACTED]
 Birth Date: [REDACTED]

DISCLAIMER: THIS IS NOT AN OFFICIAL TRANSCRIPT OF YOUR DRIVING RECORD.

This is a courtesy summary designed to assist you in complying with the requirements associated with orders of revocation, suspension, disqualification, or cancellation as of the date listed above. To provide the court and other entities with detailed information on your driving history, this compliance summary should be accompanied by a driver transcript.

You are ineligible to drive until you do all of the following:

- * Provide DMV with a receipt from the following court(s) showing fine(s) and cost(s) of court have been paid in full or that you have entered into an installment agreement with the court(s) to make payments to the court, or a court authorization for restricted driving privileges.

Listed below is the name of each court, the telephone number for the court, the date you were convicted, and the type of conviction:

Alleghany County General District Court (540) 965-1720
 09/04/14 Driving while intoxicated, 1st Offense

DMV does not know how much you owe the court(s). Direct questions about convictions or payment to the court(s).

- * Have a Liability Insurance Company licensed to do business in Virginia file a Form FR44 (Certificate of Insurance) as proof that you have insurance. Effective January 1 2008, Virginia law requires you to purchase a liability insurance policy with coverage that is double the minimum limits. Therefore, your liability limits must be at least \$50,000 for injury or death to one person, \$100,000 for injury or death to two or more people, and \$40,000 for property damage. If you do not file the Form FR44, you will not be able to obtain an original, renewal, reissue or duplicate of a license/instruction permit.
- * Complete the Virginia Alcohol Safety Action Program (VASAP). The VASAP office will notify DMV when you have completed this program.

You will need to make the necessary arrangements to attend the VASAP program. You may contact DMV at the number listed below to get the name and telephone number of the VASAP location nearest you.

- * Have an ignition interlock system installed on a minimum of one vehicle, and all vehicles that you operate (including vehicles not owned by you but driven for business purposes); unless the court order specifically requires you to install an ignition interlock system on all vehicles owned, co-owned, leased or operated by you.
- * Pay DMV the following fee(s).

To reinstate your driving privilege the following fees are required:

You must pay the Reinstatement Fee before paying the Multiple Order Fee.

Reinstatement Fee	220.00
Multiple Order Fee(s)	10.00
Total Due:	230.00

You may pay required DMV fee(s):

- online with a credit card or e-check at www.dmvNOW.com
- by mailing a check or money order made payable to DMV, to P.O. Box 27412, Richmond, VA 23269-0001
- with a credit card by calling 1-804-497-7100
- or at any DMV customer service center by cash, check, money order or credit card

Should you have any questions, please call:

VOICE: 1-804-497-7100

Connect to hard of hearing TTY Device at 1-800-272-9268

WEBSITE: www.dmvNOW.com

Section 15.3 VASAP Forms

Participation Agreement

The Commission on VASAP has a standard participation agreement; however, most ASAPs have additional elements incorporated into their own participation agreements. There may be a place for a witness signature on a participation agreement, but this is not required. At a minimum, participation agreements shall require offenders to:

- a. meet with a case manager as required.
- b. pay the ASAP fee or set up a payment plan.
- c. pay the cost of treatment to the provider, if applicable.
- d. comply with necessary education and treatment requirements.
- e. attend all education and treatment sessions free of alcohol or illicit drugs.
- f. submit to a breath test when requested by an ASAP representative.
- g. submit to drug testing if court ordered or statutorily required.
- h. attend education or treatment sessions and comply with attendance policies.
- i. advise the case manager of all changes of address and telephone numbers.
- j. advise the case manager of any new criminal or traffic violations.
- k. acknowledge that noncompliance may result in reclassification or a return to court.
- l. advise the case manager of any other changes that might affect ASAP participation.
- m. engage and participate actively in the program.

Intake Questionnaire

The intake questionnaire is fairly self-explanatory; however, the case manager should seek clarification and details from the offender if there are any answers that are unclear.

Virginia Alcohol Safety Action Program

Intake Questionnaire

Full name: _____
(First) (Middle) (Last)

Mailing address: _____
(Street) (City) (State) (Zip Code)

Primary phone number: ___ - ___ - ___ Secondary phone number: ___ - ___ - _____

Driver's license number: _____

Date of birth: _____

Are you a student? Yes No If yes, where? _____

Medical History

Medical conditions: _____

Prescribed medications: _____

Have you ever been told by a medical professional not to use alcohol or drugs? Yes No

Do you have any medical conditions directly related to your use of alcohol or drugs?

Yes No If yes, list the conditions: _____

Legal History

Have you had any...

Previous convictions for: (Do not include your present referral)

DUI Yes No How many? _____ Public Intoxication Yes No How many? _____

Underage possession of alcohol Yes No How many? _____

Drug offenses Yes No How many? _____

Other criminal convictions (including Reckless Driving) Yes No How many? _____

List convictions: _____

Do you have any pending charges? Yes No How many? _____

List pending charges: _____

Are you currently on probation with any other agency? Yes No

If yes, list the name of the agency: _____

Probation officer: _____

About Your Current Referral

What was your original charge/offense? _____

Date of original charge/offense: _____

For what offense were you convicted? _____

Court of conviction: _____

Date of conviction: _____

What alcoholic beverages and/or other drugs were you using on the day of your arrest?

How much did you drink/use that day? _____

What was the occasion? _____

Did you have an accident that day? Yes No Were there any injuries? Yes No

What was your BAC at the time of arrest? _____ Did you feel impaired? Yes No

Alcohol and Drug History

How many days per week do you consume alcohol? _____

How much alcohol do you consume on those occasions? _____

When did you last consume any alcohol? _____

How much did you consume? _____

Which drugs have you used within the last six months?

Cocaine Marijuana Heroin Amphetamines Other: _____

Have you ever tried to quit?

Drinking? Yes No If yes, how long did you abstain? _____

Using drugs? Yes No If yes, how long did you abstain? _____

Have you ever taken a prescription drug that was not prescribed to you? Yes No

If yes, what medication did you take? _____ When? _____

Do any of your blood relatives have, or have had, a problem with alcohol or drugs? Yes No

Have you had any...

Previous alcohol/drug education? Yes No

If yes, where? _____ When? _____

Previous alcohol/drug treatment? Yes No

If yes, where? _____ When? _____

Previous ASAP participation? Yes No

If yes, where? _____ When? _____

Previous AA or NA attendance? Yes No

If yes, was your attendance Voluntary? Court Ordered?

I certify this information is accurate to the best of my knowledge.

Signature: _____

Date: _____

ASAP office use only

Indicate service type: _____

Consent for Release of Confidential Information

VASAP uses several different consent forms.

The “Consent for Release of Confidential Information – General” is a form that grants the ASAP consent to exchange offender information with several criminal justice entities, the DMV, and VASAP ignition interlock companies. There is also an “other” block on the form where the offender can designate additional parties.

The “Consent for Release of Confidential Information – Treatment” is the form that authorizes the ASAP to exchange information with the offender’s treatment provider.

The “Consent for Release of Confidential Information – Individual” is the form that permits the offender to authorize release of offender information to selected individuals.

The “Consent for Release of Confidential Information To Be Used When the Offender is No Longer in the ASAP” permits persons previously under ASAP supervision to authorize release of their existing records to persons/entities of their choice.

Be sure to execute the forms in the proper spaces. Also, make sure the form is signed and dated by the offender.

Notice that the forms include a place where the consent may be revoked. This is one reason why a separate form for each individual being granted access should be completed. Without separate consent forms, revocation of consent would result in access being denied to everyone listed on the form.

VASAP CONSENT FOR THE RELEASE OF CONFIDENTIAL INFORMATION - GENERAL

Probationer: _____ Date of Birth: _____

I hereby grant the Virginia Alcohol Safety Action Program (VASAP) consent to exchange information with:

- the court of record/referral
- the Commonwealth Attorney's office
- attorney(s) of record
- local, state and federal law enforcement agencies
- other criminal justice entities
- the Virginia Department of Motor Vehicles
- applicable VASAP ignition interlock service providers
- other (specify) _____

for the purpose of facilitating, supervising, verifying, and reporting my participation in, and compliance with ASAP requirements.

I understand that if I am being referred to the Alcohol Safety Action Program **by a court**, information concerning my participation will be reported to the court, and my consent for that purpose will terminate upon successful completion of my ASAP probation. In the event of noncompliance, this Consent for Release of Confidential Information will not expire until the referring court formally terminates the Alcohol Safety Action Program's oversight of the case.

I understand that if I am enrolling in the Alcohol Safety Action Program to complete a **DMV requirement**, this Consent for the Release of Confidential Information shall expire automatically upon termination of my ASAP participation.

I understand that my records are protected under Federal Confidentiality Regulations (42CFR Part 2) and cannot be disclosed without my written consent unless otherwise provided for in the regulations. I further understand that all treatment information is protected under HIPAA and cannot be released by the ASAP without my consent; however, should I elect to transfer to another ASAP, all records to include treatment records will be sent to the supervising ASAP in order to effectively administer my case. A copy of this Consent for Release of Confidential Information form shall be considered to be valid as the original.

Executed this _____ day of _____, 20_____

Participant's Signature: _____

Parent/Guardian Signature (if required): _____

To revoke consent for release of information, complete this section.

Date Revoked: _____

Participant's Signature: _____

Parent/Guardian Signature (if required): _____

PROHIBITION ON RE-DISCLOSURE: This information has been disclosed to you from records protected by Federal Confidentiality Rules (42 CFR Part 2). The Federal Rules prohibit you from making any further disclosure of this information unless further disclosure is expressly permitted by the written consent of the person to whom it pertains or as otherwise permitted by 42 CFR Part 2. A general authorization for the release of medical or other information is not sufficient for this purpose. [Updated 8/23/19]

VASAP CONSENT FOR THE RELEASE OF CONFIDENTIAL INFORMATION - INDIVIDUAL

Probationer: _____ **Date of Birth:** _____

I hereby grant the Virginia Alcohol Safety Action Program (VASAP) consent to exchange information with the following individual(s):

_____ (Full Name) _____ (Assigned Password)

for the purpose of informing them, upon their request, of all information pertaining to my participation in ASAP to which they would not otherwise be legally entitled.

I understand that my records are protected under Federal Confidentiality Regulations (42CFR Part 2) and cannot be disclosed without my written consent unless otherwise provided for in the regulations. I further understand that all **treatment** information is protected under HIPPA and cannot be released by the ASAP without my consent; however, should I elect to transfer to another ASAP, all records to include treatment records will be sent to the supervising ASAP in order to effectively administer my case.

This Consent for the Release of Confidential Information shall expire automatically upon termination of my ASAP participation. A copy of this Consent for Release of Confidential Information form shall be considered to be valid as the original.

Executed this _____ day of _____, 20_____

Participant's Signature: _____

Parent/Guardian Signature *(if required)*: _____

To revoke consent for release of information, complete this section.

Date Revoked: _____

Participant's Signature: _____

Parent/Guardian Signature *(if required)*: _____

PROHIBITION ON RE-DISCLOSURE: This information has been disclosed to you from records protected by Federal Confidentiality Rules (42 CFR Part 2). The Federal Rules prohibit you from making any further disclosure of this information unless further disclosure is expressly permitted by the written consent of the person to whom it pertains or as otherwise permitted by 42 CFR Part 2. A general authorization for the release of medical or other information is not sufficient for this purpose.

[Updated 8/23/19]

VASAP CONSENT FOR THE RELEASE OF CONFIDENTIAL INFORMATION - TREATMENT

Probationer: _____ **Date of Birth:** _____

I hereby grant _____ consent to exchange information with
(NAME OF ASAP)

_____ for the purpose of verifying compliance with my ASAP
(NAME OF TREATMENT PROVIDER)

requirements and substance abuse treatment.

I understand that this may include the release of treatment information and reports to include my treatment assessment, treatment plan, diagnosis, prognosis, alcohol and other drug test results, and attendance records at treatment sessions.

I further understand that if I am under the supervision of the court, I am authorizing disclosure of such treatment information by the ASAP to the applicable court, commonwealth attorney, and the attorney of record if required.

I further understand that, except as otherwise permitted by this expressed consent, my alcohol and/or drug treatment records are protected under the federal regulations governing Confidentiality of Alcohol and Drug Abuse Patient Records, 42 C.F.R. Part 2, and the Health Insurance Portability and Accountability Act of 1996 ("HIPAA"), 45 C.F.R., Parts 160 & 164.

This Consent for the Release of Confidential Information shall expire automatically upon termination of my ASAP participation. A copy of this Consent for Release of Treatment Information form shall be considered to be valid as the original.

Executed this _____ day of _____, 20_____

Participant's Signature: _____

Parent/Guardian Signature (if required): _____

To revoke consent for release of information, complete this section.

Date Revoked: _____

Participant's Signature: _____

Parent/Guardian Signature (if required): _____

PROHIBITION ON RE-DISCLOSURE: This information has been disclosed to you from records protected by Federal Confidentiality Rules (42 CFR Part 2). The Federal Rules prohibit you from making any further disclosure of this information unless further disclosure is expressly permitted by the written consent of the person to whom it pertains or as otherwise permitted by 42 CFR Part 2. A general authorization for the release of medical or other information is not sufficient for this purpose.

[Updated 8/23/19]

**VASAP CONSENT FOR THE RELEASE OF CONFIDENTIAL INFORMATION
(PERSONS NO LONGER IN ASAP)**

Participant Name: _____ **Date of Birth:** _____

I hereby grant the Virginia Alcohol Safety Action Program (VASAP) consent to exchange information related to my ASAP requirements with:

(specify) _____

for the purpose of _____

I understand that my records are protected under Federal Confidentiality Regulations (42CFR Part 2) and cannot be disclosed without my written consent unless otherwise provided for in the regulations. I further understand that all treatment information is protected under HIPAA and cannot be released by the ASAP without my consent. A copy of this Consent for Release of Confidential Information form shall be considered to be valid as the original.

Executed this _____ day of _____, 20 _____

Participant's Signature: _____

Parent/Guardian Signature (if required): _____

This consent for release of information will expire: _____
Date of Expiration

To revoke consent for release of information, complete this section.

Date Revoked: _____

Participant's Signature: _____

Parent/Guardian Signature (if required): _____

PROHIBITION ON RE-DISCLOSURE: This information has been disclosed to you from records protected by Federal Confidentiality Rules (42 CFR Part 2). The Federal Rules prohibit you from making any further disclosure of this information unless further disclosure is expressly permitted by the written consent of the person to whom it pertains or as otherwise permitted by 42 CFR Part 2. A general authorization for the release of medical or other information is not sufficient for this purpose.

[Update 8/23/19]

Communication with Treatment Providers

These four forms are used for communication with treatment providers:

- 1) Treatment Referral Assessment Notification Letter
- 2) Treatment Assessment Referral Acknowledgment Receipt
- 3) Treatment Assessment Report
- 4) Treatment Status Report

Detailed information on the use of these forms is provided in the guidelines (see pages 31-33).

In addition, the Commission on VASAP requires all treatment providers to sign a Treatment Provider Agreement. A copy of the agreement is included in this section so that ASAPs will know the policies to which treatment providers must adhere.

TREATMENT ASSESSMENT REFERRAL NOTIFICATION

Date of Treatment Assessment Referral Notification: _____

Treatment agency: _____

ASAP name and address: _____

ASAP phone number: _____

ASAP case manager: _____

Referral Information

Name: _____

Date of birth: _____

Address: _____

Phone number: _____

Current referral conviction:

Conviction date:

BAC at arrest:

Note any positive breath alcohol, drug or ignition interlock positive readings

Prior treatment

Year

The above offender has selected your agency to conduct a required treatment assessment. Please acknowledge receipt of this request within five working days and advise us of the date, time and location of the scheduled assessment by returning the enclosed *Treatment Assessment Referral Acknowledgment Form*. If you are unable to conduct this assessment within thirty days of receipt, please provide documentation regarding the delay. As a reminder, all ASAP treatment assessments must be completed by someone on the Commission on VASAP Treatment Provider Directory.

Enclosed is a Consent for Release of Confidential Information form signed by the referral.

TREATMENT ASSESSMENT REFERRAL ACKNOWLEDGMENT

ASAP name: _____

ASAP case manager: _____

Referral Information

Name: _____

Date of birth: _____

Address: _____

Contact phone number: _____

Treatment provider agency name and address:

Scheduled date and time for treatment assessment appointment:

If treatment agency has more than one location, please indicate which branch client will be attending:

Please return this form to the ASAP office within five working days of receipt of the Treatment Referral Assessment Notification Letter

TREATMENT ASSESSMENT REPORT

Treatment agency: _____ Report date: _____

ASAP name: _____

ASAP case manager: _____

Referral's name: _____ Date of birth: _____

	Level of Care Placement
Level 0.5	Early Intervention
OTP- Level 1	Opioid Treatment Program
Level 1	Outpatient Services
Level 2.1	Intensive Outpatient Services
Level 2.5	Partial Hospitalization Services
Level 3.1	Clinically Managed Low-Intensity Residential Services
Level 3.3	Clinically Managed Population-Specific High-Intensity Residential Services
Level 3.5	Clinically Managed High-Intensity Residential Services
Level 3.7	Medically Monitored Intensive Inpatient Services
Level 4	Medically Managed Intensive Inpatient Services

Level of care placement: _____

Recommended number of sessions/program length: _____

Anticipated treatment start date: _____

Name of assessor: _____ Date of assessment: _____

Signature of assessor: _____

Describe the prescribed treatment plan:

TREATMENT STATUS REPORT

Status report date: _____

Treatment agency: _____

ASAP name: _____

ASAP case manager: _____

Referral's name: _____

Date of birth: _____

Check All That Apply:

Monthly report

Final report

Noncompliance notification

Other

Number of sessions attended this month: _____ Total to date: _____

Number of sessions missed this month: Excused _____ Unexcused _____

If conducted, number of drug tests this month: Positive _____ Negative _____

Anticipated completion date: _____

Additional comments:

Counselor name: _____

Counselor signature: _____

Commission on VASAP
Standard Treatment Services Agreement

This agreement entered into the _____ day of _____, 2020, by and between the Commission on the Virginia Alcohol Safety Action Program (“VASAP”) and _____ (Service Provider)

ARTICLE I –SERVICE PROVIDER DIRECTORY

A. Treatment assessments of offenders referred from a local Alcohol Safety Action Program (“ASAP”) may only be conducted by Service Providers included on the VASAP Service Provider Directory (“Directory”). The Directory shall be maintained by VASAP, and all required information shall be submitted directly to the VASAP office in Richmond.

B. For inclusion on the Directory, the service provider must:

1. be licensed by the Virginia Department of Health Professions or the Virginia Department of Behavioral Health and Developmental Services,
2. (a) have completed training in the American Society of Addiction Medicine (ASAM) Criteria, or (b) be a Licensed Substance Abuse Treatment Practitioner (LSATP), and
3. submit the required information, forms, and certificates of licensure and training along with an executed copy of this agreement to VASAP.

ARTICLE II – TREATMENT SERVICES

Offenders referred for treatment to the Service Provider shall receive treatment services as recommended by the Service Provider utilizing ASAM criteria. Consistent with the ASAM criteria, any offender assessed as being at the **0.5 level of care shall not be required to receive treatment services, but shall be referred back to the ASAP for intensive education only.**

ARTICLE III – REPORTS TO SERVICE PROVIDER

Absent special circumstances, the only form an ASAP will submit to the Service Provider shall be the approved VASAP Assessment Referral Notice.

ARTICLE IV – REPORTS FROM SERVICE PROVIDER

A. The Service Provider shall be required to submit, at minimum, the following reports, to the ASAP:

1. acknowledgement of the treatment assessment referral within five (5) working days of receipt.
2. assessment report within fifteen (15) working days of the assessment to include:
 - a. the ASAM level of care determination
 - b. a recommendation whether treatment is appropriate
 - c. a detailed treatment plan (if applicable)
3. written notice within ten (10) working days of any change in the offender’s treatment plan.
4. notice of offender noncompliance by the next working day.
5. an electronic or written report detailing the specific nature of the noncompliance within five (5) working days.
6. monthly written progress reports.
7. a final discharge summary after completion of the treatment program.
8. other written information/reports within ten (10) working days when specifically requested in writing by the ASAP.

B. With the exception of reports submitted electronically pursuant to subsections 1, 4, and 5, **all reports must be reviewed and signed by an ASAM trained individual or an LSATP.**

ARTICLE V – COMPENSATION

There is no compensation or reimbursement involving either VASAP or a local ASAP associated with this agreement. The Service Provider shall charge offenders directly for all services rendered.

ARTICLE VI – CONFIDENTIALITY OF OFFENDER RECORDS

The ASAP and the Service Provider shall comply with all Federal and State laws, in accordance with 42 CFR Part 2 – Confidentiality of Alcohol and Drug Abuse Patient Records, pertaining to dissemination and use of substance abuse treatment and criminal justice records.

ARTICLE VII –SERVICE PROVIDER TERMINATION FOR CAUSE

A. In the event that the Service Provider does not adhere to the requirements of this agreement, VASAP shall have the right to remove the Service Provider from the Directory. Whenever possible the Commission on VASAP will first attempt to work with the Service Provider prior to taking such action.

B. Absent exigent or special circumstances, any consideration by VASAP to remove a Service Provider from the Directory shall be announced to the Service Provider in writing, along with the reasons for the removal, and a notification of the date and time VASAP will be considering such removal. The Service Provider shall be given reasonable notice of a conference or hearing on the matter. In no event will the Service Provider receive less than a 10 day notice. Any Service Provider who has received notice of impending removal from the Directory may appear at the noted time to present evidence in his favor for consideration by VASAP. Any adverse decision by VASAP regarding removal from the directory shall be entitled to judicial review pursuant to the provisions of the Administrative Process Act (Va. Code § 2.2-4000 *et. seq.*).

ARTICLE VIII – SERVICE PROVIDER VOLUNTARY SEPARATION

Service Providers who no longer wish to receive ASAP referrals may request to be removed from the Directory by providing at least a 60-day written notification to the Commission on VASAP. Termination of this agreement, absent exceptional circumstances, shall not relieve the Service Provider of its obligation to complete services to those offenders under their care at the time of the contract termination.

ARTICLE IX – INTERPRETATIONS OR MODIFICATIONS

This agreement shall not be modified or amended. Should it become necessary to change any content herein, a new agreement shall be executed.

Approved:

Approved:

Commission on VASAP Executive Director

Service Provider Director or Designee

(Date)

(Date)

**REQUIREMENTS WHEN SELECTING A TREATMENT SERVICE PROVIDER WHO IS NOT ON THE
APPROVED COMMISSION ON VASAP TREATMENT SERVICE PROVIDER DIRECTORY**

Based on your ASAP classification, you are required to undergo a treatment assessment to further develop recommendations for appropriate case management or treatment services. The Commission on VASAP maintains a directory of approved service providers to assist ASAP participants in making arrangements for treatment assessments. These providers are licensed by the Virginia Department of Health Professions or the Virginia Department of Behavioral Health and Developmental Services. You have the option of selecting someone who is not on the list. If you choose this option, please be advised that the provider will be required to meet the same licensing and certification requirements as those on the directory. The provider must be ASAM trained or have someone on their staff who is licensed by one of the aforementioned agencies and ASAM trained. The provider will also be required to meet all ASAP reporting requirements.

You must also provide documentation as noted below to the local ASAP. It is important to note that intervention assignment is required to commence no later than 60 days of intake. Failure to begin intervention within the required time frame may result in your case being returned to court if you are under the court's jurisdiction.

Information and Documentation Needed

- Name of the service provider
- Copy of the service provider's state license showing the expiration date and state license number
- Copy of the service provider's ASAM Certificate
- Address and phone number of the service provider

Service providers who are Licensed Substance Abuse Treatment Practitioners (LSATP) are exempt from the ASAM requirement.

Reporting Requirements

The treatment provider is required to utilize the following Commission on VASAP forms:

- Treatment Assessment Referral Acknowledgment
- Treatment Assessment Report
- Treatment Status Report

The service provider is also required to submit, at minimum, the following reports, to the ASAP:

9. The Treatment Assessment Referral Acknowledgment within five (5) working days of receipt.
10. The Treatment Assessment Report within fifteen (15) working days of the assessment to include:
 - a. the ASAM level of care determination
 - b. a recommendation whether treatment is appropriate
 - c. a detailed treatment plan (if applicable)
11. Written notice within ten (10) working days of any change in the offender's treatment plan.
12. Notice of offender noncompliance by the next working day.
13. An electronic or written report detailing the specific nature of any noncompliance within five (5) working days.
14. Monthly written progress reports.
15. A final discharge summary after completion of the treatment program.
16. Other written information/reports within ten (10) working days when specifically requested in writing by the ASAP.

ENROLLMENT LETTER FOR PERSONS RESIDING OUT OF STATE

Dear _____

We have received your request to enroll in the Virginia Alcohol Safety Action Program (ASAP) as a result of a requirement of a court and/or condition of license reinstatement. Since you do not reside in Virginia, you may complete a similar program where you live, provided it is comparable to the ASAP program.

Please complete and return the following enclosed enrollment paperwork:

1. Intake questionnaire
2. General consent form for the exchange of confidential information with the court, DMV, etc.
3. Individual consent form to grant ASAP the authority to speak to specific other persons about your case (if applicable)
4. Contact information sheet
5. Email authorization form to permit ASAP to correspond with you about your case via email (if applicable)
6. Ignition interlock paperwork (if applicable).

Also provide:

7. A current copy (within 30 days) of your driving record from the state in which you reside.
8. Payment of the \$300 ASAP fee.

Virginia has specific education requirements that must be met to satisfy ASAP probation. **Therefore, do not enter into any education program until we verify that the proposed curriculum to be provided is comparable to Virginia standards and that the service provider is credentialed by your state.**

In the event you have already enrolled in, or completed, an education or treatment program within the last year, you **may** be eligible to receive credit for participation in the program if we determine it met Virginia requirements. **For consideration of education/treatment credit, you must submit:**

1. Name and type of program
2. Program provider address and contact information
3. Proof of program completion (on program letterhead or certificate)
4. Date of program enrollment
5. Date of program completion
6. Number of total contact hours

The above information should be returned to our office no later than _____. Upon receipt, your case will be reviewed and an appropriate classification assigned that will determine the level of intervention you will be required to complete. An ASAP case manager will need to interview you over the telephone to clarify the information we receive.

If you are required to have an ignition interlock installed in your vehicle, please contact our office to discuss your options.

Failure to comply with the above requirements may prevent you from being successfully enrolled in VASAP. If you have any questions, please do not hesitate to contact me.

Sincerely,

Case manager

The information in this message, including any attachments, is privileged and may contain confidential information intended only for the person above. Any distribution, copying or disclosure which is not necessary and proper in the discharge of the ASAP's function is strictly prohibited. If you are not the intended recipient or have received this message in error, please notify us immediately and permanently delete the original communication from us, including any attachments, without making a copy.

CLASSIFICATION LETTER FOR PERSONS RESIDING OUT OF STATE

Dear _____

Based on a thorough review of your case to include, but not limited to, the information you have provided (written and oral), your driving and criminal history, and the specifics of your offense, you will be required to complete:

_____ an intensive education program

_____ a treatment assessment

If you are required to complete an “intensive education” program, you must attend a program substantially comparable to ASAP. This would typically be a 20-hour substance abuse education program administered over a 10-week period of time. Since this exact format may not be available in your area, similar programs may be accepted, provided prior approval is obtained from us. Online and accelerated education programs are not permissible since they do not meet Virginia requirements.

If you are required to have a “treatment assessment,” you will need to be assessed by a treatment provider that meets the licensing requirements in your state. If the assessment determines that treatment is not appropriate, you will then need to attend an education program. If treatment is prescribed, you will be expected to complete the requirements specified in the treatment plan.

While our office may be able to assist you in locating a suitable education or treatment provider, it is ultimately your responsibility to do so. Once you find a provider, you should contact the ASAP to get approval for the program you plan to attend. **Do not start any education or treatment program without prior approval of this office. Otherwise you risk not satisfying Virginia requirements.**

Selected education or service providers must be capable of providing breath tests and/or drug tests (if required), and be willing to comply with ASAP’s reporting requirements (submission of an education/treatment plan, monthly progress reports, and a final report).

In addition to the \$300 Virginia ASAP fee, you will be required to make payment for education or treatment directly to your out-of-state service provider.

A copy of this letter should be taken to the program you choose so that its staff will better understand our expectations. Also, complete and return the enclosed treatment consent form so we may exchange information with your service provider. If you or your service provider have questions, please feel free to contact our office.

Sincerely,

Case Manager

The information in this message, including any attachments, is privileged and may contain confidential information intended only for the person above. Any distribution, copying or disclosure which is not necessary and proper in the discharge of the ASAP’s function is strictly prohibited. If you are not the intended recipient or have received this communication in error, please notify us immediately and permanently delete the original transmission from us, including any attachments, without making a copy.

CONTACT INFORMATION SHEET

(FOR PERSONS RESIDING OUT OF STATE)

Client Name: _____

Date of Birth: _____

Driver's License Number: _____

State of License Issue: _____

Mailing Address: _____

Former Virginia Mailing Address: _____

Location of Virginia Offense: _____

Telephone: _____

Best Time to Contact: _____

Email: _____

FAX: _____

Client Signature: _____

Date: _____

ASAP Name
ASAP Address
ASAP Telephone

Date

SUCCESSFUL COMPLETION

To: [Insert Offender Name]
Address: [Insert Offender Address]
DMV Customer #

From: [Insert ASAP Case Manger Name]

This is to certify that you have completed all probationary requirements of the Virginia Alcohol Safety Action Program for the below offense. This letter should be retained for verification of successful completion.

Date of Conviction:

Date of Completion:

DMV Entry Date:

Sincerely,

[Insert Case Manager Name]
[Insert Title]