

24 VAC 35-21-10, Definitions.

24 VAC 35-21-10

VIRGINIA ADMINISTRATIVE CODE
TITLE 24. TRANSPORTATION AND MOTOR VEHICLES
VAC AGENCY NO. 35 COMMISSION ON THE VIRGINIA ALCOHOL SAFETY
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PART I. GENERAL PROVISIONS

24 VAC 35-21-10. Definitions.

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

"Accrediting" means the process through which VASAP staff are accredited for their knowledge of substance abuse, the criminal justice system, and the VASAP system, as set out in the Commission on VASAP Training and Accrediting Manual.

"Administrative Agent" means that entity that serves the local ASAP in the capacity of fiscal agent and/or that entity under which the local program operates.

"Ancillary Programs" means those programs operated by a local ASAP, and approved by the ASAP Policy Board and Commission that are in addition to the probation, evaluation, education and referral functions mandated by the Code of Virginia.

"ASAP" means Alcohol Safety Action Program formed by political subdivisions or by the Commission as a criminal justice program that uses community and state services to address the problem of driving under the influence of alcohol and other drugs, and provides other court service programs or other programs for the community. ASAPs receive referrals from local courts, the Commission, and other agencies. ASAPs deliver intervention services within locally-administered programs to specific jurisdictions within the Commonwealth of Virginia.

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

components defined and utilized by the VASAP system.

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

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

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

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

"Case Management" means the process used by appropriate local program staff to assure offender compliance with court orders and Commission on VASAP policies and procedures.

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

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

"CCRE" means Central Criminal Records Exchange.

"Certification" means the process whereby the Commission evaluates an ASAP for its organization, management, fiscal standing, and overall operation. The Commission shall establish and certify ASAPs and require them to be operated in accordance with Commission standards §18.2-271.2 of the Code of Virginia.

"Certification Review Team" means the team appointed by the Commission to evaluate local ASAPs, ensuring their adherence to all standards set out in the Commission Certification Requirements Manual, 24 VAC 35-41-10 et seq.

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

"Commission" means the state agency established as the

Commission on the Virginia Alcohol Safety Action Program. Membership of the Commission shall be as provided in 18.2-271.1.

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

"Conditions of Probation" means those conditions imposed by the court for any offender referred to a local ASAP for supervision.

"Confidentiality" means the rules under which all local ASAPs operate regarding disclosure of offender information and which are specified in the Code of Federal Regulations as well as the Criminal Justice Confidentiality Guidelines found in the Code of the Commonwealth of Virginia regarding disclosure of offender information.

"Deficit" means an excess of expenditures over revenue. The ASAP, in order to conduct its program, expects to or projects that it will expend more funds than it will receive from offenders or other sources in a fiscal year.

"Director of ASAP" means the person who is in charge of and accountable for the operation of an ASAP. The ASAP Director reports to the ASAP Policy Board.

"Driver Improvement Program" means driver awareness training that provides information on defensive driving and accident prevention.

"DMV" means the Commonwealth of Virginia Department of Motor Vehicles.

"Drug and Alcohol Screen" means that screen administered by the local ASAPs to detect the use of alcohol or other drugs.

"DUI" means operating or driving a motor vehicle or boat under the influence of alcohol or drugs (§§ 18.2-266, 29.1-738 and 46.2-341.24 of the Code of Virginia.)

"Education" means all Commission-approved curricula provided to offenders.

"Enrollment" means that the offender has to report to the ASAP, obtain an intake appointment, make arrangements to pay the ASAP fee, and sign an agreement to participate.

"Executive Finance Committee" is the Committee appointed by the VASAP Commission and authorized to review local program operations, budgets and grant proposals, and make recommendations to the VASAP Commission. The Committee is comprised of the Executive Director, two Commission members, and such other persons as the Commission designates.

"Executive Director" means the Executive Director of the Commission. This person is appointed by the Commission and administers VASAP under §§ 18.2-271.1 and 18.2-271.2 of the Code of Virginia as well as other Commission-approved programs.

"Facilitator" means an ASAP employees who instructs any ASAP curriculum.

"Fiscal Agent" means the entity which possesses the legal authority to receive funds and to make financial transactions for the ASAP.

"Ignition Interlock" means a device that connects a motor vehicle's ignition system to an analyzer that measures a driver's blood alcohol content and prevents the motor vehicle's ignition from starting if the driver's blood alcohol content exceeds .020%.

"Information System" means an automated information system, which may include a computer network which provides offender profiles to the ASAPs and information to the VASAP office.

"Intake" means the process, individually or in group, wherein the Case Manager obtains objective and subjective information from the offender for use in the classification process.

"Intervention services" means those services provided by the ASAP to an offender in addition to standard probation service.

"Joint exercise of powers" means the process by which ASAPs can be organized as provided in §§ 15.2-1300 of the Code of Virginia.

"Monthly Financial Report" means the report that is submitted to the Commission through the Executive Director by each local program on a monthly basis, and which contains at a minimum all ASAP funds, including carry-over or reserve funds, as well as monthly expenditures and revenues.

"Participation Agreement" means the agreement signed by each

ASAP participant that sets minimum requirements for successful completion of the ASAP program.

"Personal Interview" means a one-on-one, face-to-face, interview with appropriate case management staff for **the** purpose of assessment and classification.

"Policy Board" means a group, established by the **joint** exercise of power with local jurisdictions, that controls and gives direction to the ASAP's activities and provides input of regarding local needs. This Board shall be established in accordance with §§ 18.2-271.1 and 18.2-271.2 of the Code of Virginia by the Commission.

"Probation Services" means those services provided by ASAP staff including monitoring offenders to ensure the successful completion of the ASAP program and adherence to all local and State statutes.

"Probation Supervision" - see "Probation Services".

"Records Management Plan" means procedures for storing, safeguarding and retaining documents in compliance with procedures established by the Library of Virginia and the Commission on VASAP.

"Regional Grants" means those funds allotted to an ASAP region after submission of an application and approval by the Executive Director, the Executive Finance Committee, or the Commission, as appropriate. Regional grant funds, if available, are allocated by the Commission on VASAP.

"Recidivist" means a person who successfully completes ASAP and is subsequently convicted of an alcohol/drug-related driving offense within a three-year period.

"Regular Board meeting" means those meetings of the Policy Board which are held quarterly. These meetings shall be open to the public.

"Service Agreement" means that agreement between the ASAP and a service provider that specifies the reporting requirements of each, and outlines the services to be given to offenders who are referred by the ASAP to the service provider.

"Service Provider" means that individual or agency which meets VASAP standards and provides substance abuse treatment or

other services to VASAP participants.

"Staff Training" means required training approved and or provided by the local ASAP, the ASAP councils or the Commission.

"State Share" is the portion of revenue designated by the Code of Virginia and the Commission, paid to the Commission by the ASAP.

"Successful Completion" means the completion of all program requirements and payment of all Commission-approved fees.

"Support Staff" means administrative staff to include office managers, administrative assistants, receptionists, secretaries, file clerks, judicial liaisons, and case management positions such as assistant Case Manager, Case Manager Technician and Case Manager Court Liaison.

"Treatment" means intervention services provided to offenders subsequent to a recommendation for referral by an ASAP to a certified agent or licensed treatment program.

"VASAP" means the Virginia Alcohol Safety Action Program **and** consists of the Commission on VASAP, the Advisory Board to the Commission on VASAP, the Commission's state office, local ASAP Policy Boards and local Alcohol Safety Action Programs established in §§ 18.2-271.1 and 18.2-271.2 of the Code of Virginia.

"VASAPDA" means the Virginia Alcohol Safety Action Program Directors' Association, **and** is composed of the Virginia ASAP Directors.

"VASAP Advisory Board" means that Board appointed by the Commission to make recommendations to the Commission regarding its duties and administrative functions as per §§18.2-271.2.D.

"Waiver" means that exemption granted a local ASAP by the Commission or its designee from compliance with a specific policy/procedure as set out in the Policy/Procedure Manual.

STATUTORY AUTHORITY

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

NOTES

HISTORICAL NOTES

Derived from VR647-01-02 § 1.1; eff. September 13, 1989; amended, Virginia Register Volume 7, Issue 9, eff. February 28, 1991.

REFERENCES

CROSS REFERENCES

Referral contact, 24 VAC 35-31-50.

Prescribed methodology, 24 VAC 35-41-30.

ASAP policies, 24 VAC 35-41-40.

Policies and procedures to avoid conflicts of interest, 24 VAC 35-41-40.

Policies and procedures as to case management, 24 VAC 35-41-40.

24 VAC 35-21-20, Virginia Alcohol Safety Action Program System.

24 VAC 35-21-20

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24 VAC 35-21-20. The purpose of the Virginia Alcohol Safety Action Program System.

VASAP is a criminal justice system that uses community and state services to reduce the problem of driving under the influence of alcohol or other drugs and provides other programs for the court and the community. Services may consist of probation supervision, alcohol and other drug education, driver awareness training, and referral to treatment. Each ASAP shall have a written statement of purpose which reflects the statement of purpose herein.

STATUTORY AUTHORITY

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

NOTES

HISTORICAL NOTES

Derived from VR647-01-02 § 1.2; eff. September 13, 1989; amended, Virginia Register Volume 7, Issue 9, eff. February 28, 1991.

24 VAC 35-21-30, Purpose of manual.

24 VAC 35-21-30

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24 VAC 35-21-30. Purpose of manual.

This manual, promulgated under the authority of §§ 18.2-271.1 and 18.2-271.2 of the Code of Virginia, establishes, records, maintains, and updates policies and procedures for the Virginia Alcohol Safety Action Program and for local Alcohol Safety Action Programs.

Ad hoc regulations as promulgated from time to time by the Commission shall be maintained in a manual and adhered to by each ASAP.

STATUTORY AUTHORITY

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

NOTES

HISTORICAL NOTES

Derived from VR647-01-02 § 1.3; eff. September 13, 1989; amended, Virginia Register Volume 7, Issue 9, eff. February 28, 1991.

24 VAC 35-21-40, Introduction.

24 VAC 35-21-40

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24 VAC 35-21-40. Introduction.

The Commission shall establish and ensure compliance with minimum standards and criteria for program performance and operations, accounting, auditing, public information and administration for the local ASAPs. The Commission shall also oversee ASAP plans, operations and performance, and a system for allocating funds to cover any deficits in ASAP budgets.

STATUTORY AUTHORITY

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

NOTES

HISTORICAL NOTES

Derived from VR647-01-02 § 1.4; eff. September 13, 1989; amended, Virginia Register Volume 7, Issue 9, eff. February 28, 1991.

24 VAC 35-21-50, VASAP components.

24 VAC 35-21-50

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24 VAC 35-21-50. VASAP components.

A. Each component is oriented to address issues related to transportation safety and substance abuse. The specific components and their directives are as follows:

1. Enforcement - VASAP enhances law enforcement efforts to reduce alcohol and other drug-related crashes by providing training and other resources to detect and apprehend those driving under the influence.
2. Adjudication - VASAP, prosecutors and courts work together to ensure the efficient processing of those convicted of driving under the influence and referred to VASAP for probation.
3. Case Management/Offender Intervention - VASAP ensures that each offender is supervised by a Case Manager who screens and classifies the offender and determines the most appropriate intervention, treatment, and probationary services. Directives include:
 - a. Establish policy statements requiring adherence to case management policies contained in the VASAP Case Management Manual (35-31-10).
 - b. Establish and maintain a standard classification procedure for offenders.
 - c. Implement and maintain an offender tracking and reporting system.
 - d. Implement and maintain standard curricula.

e. Ensure offenders are referred to VASAP Intervention Services and licensed facilities or licensed private practitioners.

4. Public Information and Education - VASAP helps reduce the number of drunk driving injuries and fatalities by increasing public awareness through education, and by encouraging responsible decision making. Each program conducts public information activities locally and jointly with the Commission.

5. Evaluation and Certification - The Commission on VASAP is responsible for periodically evaluating and recertifying each ASAP ensuring that services in the communities are effective, consistent and appropriate. Directives include:

a. Conduct program audits and evaluations of ASAP operations at a minimum of every three years to ensure compliance with the Commission Policy and Procedure Manual and Certification Requirements Manual.

b. Develop a system of evaluating the impact of the VASAP system on the DUI problems.

c. Evaluate recidivism among offenders.

d. Improve the reporting of alcohol and other drug data by working cooperatively with other State agencies.

B. Each ASAP shall have a written policy statement that supports the VASAP components and a written action plan and exhibits of work which reflect each component.

STATUTORY AUTHORITY

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

NOTES

HISTORICAL NOTES

Derived from VR647-01-02 § 1.5; eff. September 13, 1989; amended, Virginia Register Volume 7, Issue 9, eff. February 28, 1991.

24 VAC 35-21-60, Goal and objectives.

24 VAC 35-21-60

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24 VAC 35-21-60. Goals and objectives.

A. VASAP goals.

1. Improve transportation and public safety by decreasing the incidence of driving under the influence of alcohol or other drugs and thereby reducing the number of alcohol and other drug-related crashes.

2. Improve transportation safety and public safety by providing traffic safety programs to reduce the incidence of vehicular crashes.

3. Respond to the needs of the courts, community or other agencies by developing and providing ancillary programs.

B. VASAP objectives.

1. Deter the motoring public from driving under the influence.

2. Deter those arrested and convicted of DUI from again driving under the influence.

3. Increase awareness to aid in the identification, apprehension and conviction of offenders driving under the influence of alcohol and other drugs.

4. Raise the conviction rate for offenders and the number of appropriate referrals to ASAPs.

5. Ensure appropriate probationary supervision of offenders.

6. Ensure the delivery of appropriate education or treatment services for offenders.

7. Provide statewide offender tracking services for all ASAPs.

8. Increase public awareness of the legal and civil consequences of DUI arrest, public perception of transportation crash risks, and public activities to reduce DUI incidents.

9. Assess and maintain the effectiveness and self-supporting status of both the Commission and ASAPs.

C. Each ASAP shall have written goals and objectives which reflect VASAP goals and objectives.

STATUTORY AUTHORITY

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

NOTES

HISTORICAL NOTES

Derived from VR647-01-02 § 1.6; eff. September 13, 1989; amended, Virginia Register Volume 7, Issue 9, eff. February 28, 1991.

24 VAC 35-21-70, VASAP organizational structure.

24 VAC 35-21-70

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PART II. ORGANIZATION AND ADMINISTRATION

24 VAC 35-21-70. VASAP organizational structure.

Professional staff shall include a full-time Executive Director, who is responsible to the Commission and such other staff designated by the Commission to carry out the mandates of §§ 18.2-271.1 and 18.2-271.2 of the Code of Virginia as well as policies and programs established by the Commission. Each employee shall have responsibilities for areas of ASAP operations and components as assigned by the Executive Director. Each shall be accountable to the Executive Director.

STATUTORY AUTHORITY

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

NOTES

HISTORICAL NOTES

Derived from VR647-01-02 § 2.1; eff. September 13, 1989; amended, Virginia Register Volume 7, Issue 9, eff. February 28, 1991.

24 VAC 35-21-80, Certification.

24 VAC 35-21-80

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24 VAC 35-21-80. Certification.

Certification of Alcohol Safety Action Programs within the Commonwealth of Virginia was established to ensure administrative consistency within the system and the quality of services provided to referred offenders, the courts and the community. One-third of the ASAPs shall be certified each year by region. The regions are Battlefield, Blue Ridge and Colonial ASAP Councils.

Any program operating under §§ 18.2-271.1 and 18.2-271.2 of the Code of Virginia is required to be certified by the Commission in conjunction with standards set out in the Commission Certification Requirements Manual, 24 VAC 35-41-10 et seq.

Any program operating on the initial effective date of these regulations and holding a current certification shall continue under that certification until scheduled for review. The Commission shall ensure that all certificates are current. All non-certified ASAPs and new ASAPs established after the initial effective date shall obtain certification. The Commission certifies Alcohol Safety Action Programs (ASAPs) in accordance with procedures set forth in the Commission on VASAP Certification Manual, 24 VAC 35-41-10 et seq. See § 18.2-271.2 B of the Code of Virginia.

STATUTORY AUTHORITY

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

NOTES

HISTORICAL NOTES

Derived from VR647-01-02 § 3.1; eff. September 13, 1989;
amended, Virginia Register Volume 7, Issue 9, eff. February 28,
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24 VAC 35-21-90, Period of certification.

24 VAC 35-21-90

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24 VAC 35-21-90. Period of certification.

All certifications shall be for a period of three years and shall expire on June 30 in the last year of the certification period. The term of certification may be extended by the Commission by reissuance of a certificate.

STATUTORY AUTHORITY

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

NOTES

HISTORICAL NOTES

Derived from VR647-01-02 § 3.2; eff. September 13, 1989; amended, Virginia Register Volume 7, Issue 9, eff. February 28, 1991.

REFERENCES

CROSS REFERENCES

Prescribed methodology, 24 VAC 35-41-30.

24 VAC 35-21-100, Action on certification.

24 VAC 35-21-100

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24 VAC 35-21-100. Action on certification.

An ASAP shall be certified by the Commission, as cited in the certification requirements manual. When an ASAP is found out of compliance by the certification team, the ASAP will complete a plan of action setting out the procedures to be followed to attain compliance. This submission must be within 30 days of notification by the Executive Director. A follow-up team representing the Commission may then make an additional visit to validate that corrective action has been taken and make a recommendation for certification if the program is found to be compliant. A program may seek a waiver from a certification standard as provided in 24 VAC 35-41-40 et seq.

Certification shall be revoked if an ASAP fails to continue to meet any standard for certification.

STATUTORY AUTHORITY

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

NOTES

HISTORICAL NOTES

Derived from VR647-01-02 § 3.3; eff. September 13, 1989; amended, Virginia Register Volume 7, Issue 9, eff. February 28, 1991.

24 VAC 35-21-110, Revocation of certification.

24 VAC 35-21-110

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24 VAC 35-21-110. Final certification decision.

A report shall be filed with the Commission 30 days prior to the next regularly scheduled meeting of the Commission which details all programs reviewed since the last Commission meeting. The Commission shall review the document presented and make a certification decision. The Executive Director shall notify in writing the Director of each ASAP as well as the chairperson of that ASAP's Policy Board.

The Commission may certify, revoke certification or decline to certify an ASAP.

If the Commission fails to certify or revokes an ASAP's certification, the Commission may establish a new ASAP.

The Commission's certification decision shall be sent to the ASAP Director, the ASAP Policy Board chairperson, political subdivisions, and the courts the ASAP serves or would serve.

In the event of certification disputes with the certification review team, or the denial of a request for waiver of certification requirements by the Executive Director, the ASAP Director may request a hearing before the Commission. The request for the hearing must be in written form from the ASAP Director and submitted to the Commission 30 days prior to the next regularly scheduled meeting of the Commission. Upon receipt of a written request, the Commission or its designee shall schedule a hearing.

Failure to file such a request or to appear as scheduled shall be deemed a settlement of the certification dispute or acceptance of the Executive Director's waiver decision.

STATUTORY AUTHORITY

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

NOTES

HISTORICAL NOTES

Derived from VR647-01-02 § 3.5; eff. September 13, 1989;
amended, Virginia Register Volume 7, Issue 9, eff. February 28,
1991.

24 VAC 35-21-120, Final certification decision.

24 VAC 35-21-120

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24 VAC 35-21-120. Revocation of certification.

The Commission on its own motion, upon receipt of information that indicates an ASAP may no longer meet certification requirements or that other irregularities may exist within the ASAP, may send a certification review team to investigate the ASAP. Notice of the intended investigation by the certification review team shall be given to the ASAP Director and the chairperson of the Policy Board. Upon completion of the investigation, the certification review team shall submit a report to the Executive Director, who may call a special meeting of the Commission to review the report, giving notice to the local ASAP Director.

The Commission may vote to revoke the certification of the ASAP based on the report. The revocation shall become effective on the date of the vote. If revocation is voted, the Executive Director shall notify the ASAP Director, chairperson of the Policy Board, political subdivisions, and the courts the ASAP serves within 10 days.

If the ASAP corrects its deficiencies within 30 days, its certification may be reinstated by the Commission. All appropriate parties noted above will be notified. If the deficiencies are not corrected, the Commission may establish a new ASAP.

STATUTORY AUTHORITY

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

NOTES

HISTORICAL NOTES

Derived from VR647-01-02 § 3.4; eff. September 13, 1989;
amended, Virginia Register Volume 7, Issue 9, eff. February 28,
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24 VAC 35-21-130, System.

24 VAC 35-21-130

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24 VAC 35-21-130. System.

The Commission, or its designee, shall operate an offender tracking system capable of providing records to the ASAP (Alcohol Safety Action Program) of participation by offenders.

The Commission on VASAP, or its designee, may submit periodically, if available, statistical reports to the Commission on VASAP and local ASAPs detailing the volume and characteristics of offenders classified, referred and disposed of during a given time period.

The Commission, or its designee, shall conduct or support research necessary to ensure the operations of the local and state system, and ensure that objectives are being met.

ASAPs shall secure written approval from the Commission prior to dissemination of research using offender records. Approval shall be based on compliance with current applicable privacy and security regulations.

STATUTORY AUTHORITY

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

NOTES

HISTORICAL NOTES

Derived from VR647-01-02 § 4.1; eff. September 13, 1989; amended, Virginia Register Volume 7, Issue 9, eff. February 28, 1991.

24 VAC 35-21-140, Local staff.

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24 VAC 35-21-140. Local staff.

ASAP staff shall consist of a minimum of a full-time Director and one full-time administrative position. Such staff as deemed necessary by the Commission on VASAP and the local Policy Board shall be available to cover administrative, clerical, services to each referral, and component activities of the ASAP.

Each ASAP shall have a program organizational chart which clearly delineates administrative and staff responsibility for program operations, and reflects positions identified through job descriptions.

ASAP staff shall conform to equal opportunity minimum hiring standards established by the Commonwealth of Virginia.

STATUTORY AUTHORITY

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

NOTES

HISTORICAL NOTES

Derived from VR647-01-02 § 5.1; eff. September 13, 1989; amended, Virginia Register Volume 7, Issue 9, eff. February 28, 1991.

24 VAC 35-21-150, Local organization.

24 VAC 35-21-150

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24 VAC 35-21-150. Local organization.

Each ASAP is organized under the administration of political subdivisions or the Joint Exercise of Powers Statutes §15.2-1300 of the Code of Virginia.

STATUTORY AUTHORITY

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

NOTES

HISTORICAL NOTES

Derived from VR647-01-02 § 5.2; eff. September 13, 1989; amended, Virginia Register Volume 7, Issue 9, eff. February 28, 1991.

24 VAC 35-21-160, Administrative agent.

24 VAC 35-21-160

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24 VAC 35-21-160. Administrative agent.

Each ASAP shall be administered by a Policy Board that complies with 24 VAC 35-21-180 to serve as its administrative agent. The administrative agent may also serve as the fiscal agent of the ASAP.

The Commission, or any county, city, town or any combination thereof may establish, and if established, shall operate an ASAP in accordance with the standards and criteria required under § 18.2-271 of the Code of Virginia.

Each ASAP shall provide direct services to a specific set of political subdivisions as defined in the planning study or designated by the Commission on VASAP. These subdivisions shall be approved by the Commission.

Any anticipated changes of political subdivisions falling within the service area of an ASAP shall be reported by that ASAP to the Commission through the Executive Director for review and approval at least 60 days prior to the initiation.

Changes in the included political subdivisions of an ASAP or, in the absence of a planning study, the initial establishment of political subdivisions, shall be made in a written agreement with the ASAP Policy Board and the Commission.

Any changes to the administrative or organizational structure of an ASAP, or any operational component subject to certification review, must be reported to the Commission, through the Executive Director, for review and approval at least 60 days prior to initiation.

STATUTORY AUTHORITY

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

NOTES

HISTORICAL NOTES

Derived from VR647-01-02 § 5.3; eff. September 13, 1989;
amended, Virginia Register Volume 7, Issue 9, eff. February 28,
1991.

24 VAC 35-21-170, Fiscal agent.

24 VAC 35-21-170

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24 VAC 35-21-170. Fiscal agent.

Each ASAP shall use a local political subdivision as a fiscal agent unless the Commission approves an alternative.

Any anticipated changes in the fiscal agent shall be reported by the ASAP to the Commission, through the Executive Director, for review and approval at least 60 days prior to initiation.

Each ASAP shall have written fiscal policies and procedures conforming to generally-accepted accounting principles and in conformance with VASAP Policy and Procedures Manual (24 VAC 35-21-10, et. Seq). Such policies should include:

Audits - Audits will be performed annually by the Commission on VASAP. Additional audits can be performed by local CPA firms.

Budgets - Budget documents must be submitted to the Commission on VASAP as required in the Policy and Procedure Manual. There should also be in place a method for budget revisions.

Accounting - Programs shall establish a standard accounting method, i.e. cash accrual or modified accrual.

Fiscal Agent - Each program should have a fiscal agent which is a county, city or town of the Commonwealth or approved bookkeeper or certified public accountant which serves as fiscal agent under §15.2-1300 of the Code of Virginia.

Purchasing - ASAPs must conform with local fiscal agent policy and procedures, local Policy Board policy and procedure as well as the Procurement Act of Virginia.

Payroll - Documentation of all payroll activities shall be maintained.

Revenue - Programs shall use the Commission-approved management information system to document and receipt all income to the program, to verify payment type and to provide reconciliation of daily revenue deposits. The program shall devise a method to separate fiscal duties and responsibilities among staff to provide proper checks and balances. Programs shall have written procedures for accounts receivable.

STATUTORY AUTHORITY

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

NOTES

HISTORICAL NOTES

Derived from VR647-01-02 § 5.4; eff. September 13, 1989; amended, Virginia Register Volume 7, Issue 9, eff. February 28, 1991.

24 VAC 35-21-180, Policy Board.

24 VAC 35-21-180

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24 VAC 35-21-180. Policy Board.

A. Each ASAP shall have a Policy Board which will control and give direction to the ASAP's activities and shall develop policies for the operation of the ASAP. The Policy Board shall operate independently of all other boards and the Board may not be operated in conjunction with a sub-board of local community organizations. These Boards shall convey local needs and direction to the ASAP. The Board members shall be chosen to serve as set out below. The Board of any ASAP operated by the Commission under § 18.2-271.1 H of the Code of Virginia may be selected by the Commission if the locality cannot agree on the selections. Persons serving on any Policy Board shall serve without compensation.

B. The Policy Board shall consist of five to 15 members. The governing bodies of each participating jurisdiction shall appoint one member for a term of three years. The remaining members shall be elected for a term of three years by majority vote of those members selected by each represented locality unless these are the first appointments to the Policy Board. When a local Policy Board is first appointed, one third of the members shall be appointed for one year, one third for two years, and one third for three years. The membership not appointed by the governing bodies of represented jurisdictions, at the discretion of the Board, shall be selected or elected from but not limited to, the judiciary, the Bar, law enforcement, education and treatment professionals, and other interested groups such as local transportation safety Commissions. The designated terms of office may, with Commission approval, be modified. Vacancies which occur on the Board shall be filled by majority vote of the remaining Board members from nomination of other Board members and the participating

governing bodies of the jurisdiction.

C. The Board shall have the following responsibilities which shall be reflected in the Board's bylaws:

1. Oversight of operations of the ASAP within the participating localities.

2. Hiring, supervision and, if necessary, termination of the ASAP Director.

3. Approval of a fiscal year operational budget prepared by the Director.

4. Approval of the Director's annual report, which shall include ASAP activities and financial status.

5. Review of an annual audit which shall be conducted at the end of each fiscal year by the Commission on VASAP.

6. Adoption of written guidelines and bylaws structured as set out in subsection C and D of this section.

7. Establishment and approval of operational policies and procedures for the ASAP.

D. The Board shall have guidelines and bylaws which define the purpose and responsibility of the Board for adherence and compliance to VASAP statewide regulations, as well as:

1. Officers. The officers of the Policy Board shall consist of a chairperson, and such subordinate officers as the Board may elect or appoint. The secretary if elected shall not be the Director of the ASAP. Each officer shall serve without compensation. The offices of chairperson and vice-chairperson if elected shall be held by members from different participating jurisdictions.

2. Terms of office. Except for the original officers, (who shall be elected at the second meeting after the formation of the Board) each officer shall be elected at the annual meeting of the Board to serve a term as designed by bylaws of the Board. Deviation except as provided in subsection B of this section must be approved by the Commission on VASAP. Any vacancy occurring in any office shall be filled by the Board for the unexpired term.

3. Election of officers. A majority of the members shall be present and voting in order to constitute a quorum. Members who are unable to attend may vote in any election by letter directed to the chairman and delivered prior to or at the meeting. At the regular meeting of the Policy Board immediately preceding the annual meeting, the chairman shall appoint a nominating committee. This committee shall present to the Board at its annual meeting a slate of nominees for election as officers and a slate of nominees to fill any vacancies on the Board. All Board members and officers shall take office on the first day of the month following their election and shall serve until their successors take office.

E. Meetings

1) Regular meetings. Regular meetings of the Board shall be held quarterly and shall be open to the public. The Board or its Executive Committee may, where legally appropriate, go into executive session.

2) Minutes shall be taken of each Board meeting and shall include a listing of all members present. Upon Board approval, minutes of each meeting shall be forwarded to the Executive Director of the Commission on VASAP.

3) Notification shall be provided in accordance with the Code of Virginia regarding public meetings.

4) Time and place. The Board may change the date and time of any regular meeting at any prior meeting and may adjourn any meeting to another place if notice of the change is provided to interested parties.

5) Annual meetings. The annual meeting of the Board is that meeting so designated in the bylaws for the purpose of electing officers, and filling expired terms of members, and shall be open to the public.

6) Each Policy Board shall adopt Robert's Rules of Order (or similarly acceptable rules) as operational guidelines for actions not specifically defined in the Board's bylaws.

F. Each ASAP shall establish a Board Directory, which contains a list of current Board Members, terms of appointment and jurisdictions and current officers. This directory shall be submitted annually to the Commission office.

G. The Commission through the Executive Director may waive certain of these requirements from section 24 VAC 35-21-180 upon written request from the Program Director and the Policy Board Chairman.

STATUTORY AUTHORITY

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

NOTES

HISTORICAL NOTES

Derived from VR647-01-02 § 5.5; eff. September 13, 1989; amended, Virginia Register Volume 7, Issue 9, eff. February 28, 1991.

24 VAC 35-21-185

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24 VAC 35-21-185. Requirements for Local Policy and Procedure Manuals.

Each ASAP shall maintain a local policy and procedure manual that includes Policy Board bylaws, organizational authority and resolutions, list of current Board Members and their jurisdictions, current job descriptions for staff, local operational manual, any fiscal policy and procedure, and all VASAP Manuals (Policy and Procedure, Certification, Training and Accrediting, and Case Management).

VIRGINIA ADMINISTRATIVE CODE
TITLE 24. TRANSPORTATION AND MOTOR VEHICLES
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24 VAC 35-21-190. Personnel policy guidelines.

Each ASAP shall establish minimum personnel policy guidelines no less stringent than those set forth herein and in the personnel Training and Accrediting Manual. These shall include, at a minimum:

1. A written job description which includes minimum, explicit job qualifications for all staff positions.

2. A written Personnel Policy and Procedure Manual which shall, at a minimum, comply with all applicable federal, state or local mandates. The manual, at a minimum, shall include the following areas:

a. Equal Employment Opportunity: Each ASAP shall have policy and procedure to provide equal employment opportunities to employees and applicants for employment in all aspects of personnel management and regard to race, color, religion, national origin, political affiliation, handicap, sex or age (except where there is a bona fide occupational requirement).

b. Employment Procedures: Each ASAP shall comply with all standards approved by the local Policy Board regarding recruitment, screening, salary structure and hiring, and with the minimum qualifications as specified in the Training and Accrediting Manual.

(1) Vacancies shall be announced at least two weeks before the last date on which applications will be accepted.

(2) Vacancy announcement shall include the title, pay grade and/or salary range of the position; identification of the work site and a description

of the typical tasks and level of responsibility of the work to be performed and of any unusual working conditions not otherwise apparent; the minimum qualifications required and any special or preferred qualifications; the time, place and manner of application, including the closing date for accepting applications if such has been established; the nature of the tests or other screening processes, including interviews, to be used; a description of the category of the appointment, employee benefits and the fact that the employing agency is an equal opportunity employer. This section shall not apply to paid employment advertisements.

- c. Salary Scales: Each ASAP shall have policy and procedure to assign a salary grade for each job position in accordance with local pay scales approved by the local Policy Board.
- d. Probationary Period: Each ASAP shall have policy and procedure to require satisfactory completion of probationary period as a prerequisite to continued employment, unless otherwise determined by local or state directives.
- e. Training: Each ASAP shall have policy and procedure to ensure that all staff participate in any required Commission on VASAP training, meet the minimum training hours as set forth in the Training and Accrediting Manual, and encourage and assist in staff development through academic study.
- f. Performance Appraisal: Each ASAP shall have policy and procedure to provide an effective means for at least annually appraising the work performance of employees and for providing a pay for performance system.
- g. Benefits: Each ASAP shall have clear descriptions of personnel benefits.

- h. Standard of Conduct: Each ASAP shall have written standards of conduct designed to protect the well-being and rights for all employees, to provide a safe, efficient operation and to maintain compliance with public law.
- i. Grievance Procedures: Each ASAP shall have a written policy to provide for resolution of employee problems and complaints wherein employees can freely discuss their concerns and ensure that employees will have an effective procedure by which various grievances can be fairly and objectively reviewed.
- j. Termination of Employment: Each ASAP shall have a written policy and procedure for termination of employees.
- k. Reduction in Force (Staff): Each ASAP shall have a written reduction in force (staff) policy and procedure. That shall include clear and distinct criteria and processes for personnel and positions affected. The policy shall be reviewed annually.
- l. Personnel Records: Each ASAP shall have policy and procedure to maintain a complete and accurate personnel record for each employee. Included in these procedures shall be measures to ensure security, storage, access and destruction of all personnel records.
- m. Confidentiality: Each ASAP shall have policy and procedure regarding disclosure of defendant information, which comply with all state and federal regulations. There should be documentation that all staff members are aware of the guidelines.
- n. Conflict of Interest: Each ASAP shall have policy and procedure to avoid any activity deemed to be in conflict with the interests of the program. Personnel of each ASAP, to include facilitators and policy board

members, are subject to the Conflict of Interest Law (2.1639.12 to 2.1639.54 of the Code of Virginia). Conflicts of interest include but are not limited to the following:

- (1) ASAP employees shall not disclose to any person, not entitled thereto, information gained through their office or employment, or otherwise use such information for their personal gain or benefit.
- (2) ASAP employees shall not accept any gifts, gratuities, favors or services from clients, from any individual or agency who may seek to supply goods or services to the Commission or the ASAP, or from a member of the Policy Board. The terms "gifts, gratuities, favors or services" include but are not limited to: moneys, credits, discounts, seasonal or special occasion presents, eatables, drinks, household appliances, furnishings, clothes, loans of goods or money, tickets to sporting or cultural events, transportation, vacations, travel or hotel expenses or any form of entertainment.
- (3) ASAP employees shall not contract for or provide supplemental services to an ASAP for which they are employed on a full-time basis. In the event of a violation of the conflict of interest policy, the ASAP Director or chairperson of the ASAP Policy Board shall execute a review procedure.

ASAP Directors shall initiate, conduct and complete a thorough review of any alleged breach of conflict of interest policy by an employee of the ASAP they administer. Such review shall be initiated within ten working days from the date of receipt of the allegation. Upon both initiation and termination of the review, the ASAP Director shall notify the Executive Director and the Policy Board in writing.

A complete report of the review shall be filed no later than thirty (30) days after the date of the initiation of the review. Employees of an ASAP found in violation of these policy guidelines shall be dealt with by the ASAP Director in accordance with ASAP personnel policy or state law as applicable.

If an ASAP Director is subject to review for a breach of any conflict of interest policy, the Executive Director shall execute the review procedure unless such review is undertaken by the Policy Board. The Executive Director shall inform the Commission of the results of that review within thirty (30) days of initiation of the review. When conducting a review the Policy Board shall adhere to the same time parameters established for reviews conducted by the ASAP Director. The Policy Board shall file a completed report within (30) days of initiation with the Executive Director of the results of the review. A Director found in violation of these personnel policy guidelines shall be dealt with in accordance with ASAP policy or state law where applicable.

- o. Office Hours: Each ASAP shall have stated specific hours of program operation.
- p. Travel: Each ASAP shall have policy and procedure for work-related travel. Where local regulations do not exist, travel must conform with the Commonwealth of Virginia travel regulations.
- q. Purchasing: Each ASAP shall have a written procurement plan.
- r. Client Records: Each ASAP shall have written policy for maintaining the security and confidentiality of offenders' records. Such policies shall conform to all applicable state and federal laws and Regulations. Included in these procedures

shall be measures to ensure security, storage, access and destruction of all defendant records.

- s. Sexual harassment: Each ASAP shall have policy and procedure in compliance with local, state, or federal requirements to investigate allegations of sexual harassment, and to address any documented instances of harassment in order to protect the well-being and rights of all employees and provide a safe working environment.
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- t. Each ASAP shall have a written policy that addresses outside employment by ASAP employees.

STATUTORY AUTHORITY

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

NOTES

HISTORICAL NOTES

Derived from VR647-01-02 § 5.6; eff. September 13, 1989; amended, Virginia Register Volume 7, Issue 9, eff. February 28, 1991.

24 VAC 35-21-200, Travel.

24 VAC 35-21-200

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24 VAC 35-21-200. Travel.

All work-related travel by ASAP personnel shall comply with the local Policy Board's travel regulations or with the Commonwealth of Virginia travel policies.

STATUTORY AUTHORITY

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

NOTES

HISTORICAL NOTES

Derived from VR647-01-02 § 5.7; eff. September 13, 1989; amended, Virginia Register Volume 7, Issue 9, eff. February 28, 1991.

24 VAC 35-21-210, Training.

24 VAC 35-21-210

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24 VAC 35-21-210. Training.

Each ASAP adhere to standards as set forth in the Training and Accrediting Manual.

STATUTORY AUTHORITY

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

NOTES

HISTORICAL NOTES

Derived from VR647-01-02 § 5.8; eff. September 13, 1989; amended, Virginia Register Volume 7, Issue 9, eff. February 28, 1991.

24 VAC 35-21-220, Security and confidentiality.

24 VAC 35-21-220

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24 VAC 35-21-220. Security and confidentiality.

Each ASAP shall have written policy for maintaining the security and confidentiality of offenders' records, and shall ensure and document that each employee has seen and has a working knowledge and understanding of the security and confidentiality regulations. Each ASAP shall comply with all federal and state laws and regulations regarding the collection, storing and dissemination of records. Such policies should include, at a minimum, research projects, release of information to the courts and law enforcement, and policies for protecting, communicating and acquiring offender information.

STATUTORY AUTHORITY

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

NOTES

HISTORICAL NOTES

Derived from VR647-01-02 § 5.9; eff. September 13, 1989; amended, Virginia Register Volume 7, Issue 9, eff. February 28, 1991.

24 VAC 35-21-230, ASAP finance.

24 VAC 35-21-230

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24 VAC 35-21-230. ASAP finance.

After review and approval of a budget by its Policy Board and administrative or fiscal agent, where applicable, all ASAPs shall submit, on or before April 1, a budget to the Commission office for review and approval.

If deficit funding is sought, the budget shall be submitted no later than March 1, to the Commission.

During the budget year, revisions within the approved total budget amount establishing new line items requires Policy Board approval. Notification shall be submitted to the Commission to update the budget status. Changes increasing the approved expenditure amount shall be submitted for approval to the Commission.

STATUTORY AUTHORITY

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

NOTES

HISTORICAL NOTES

Derived from VR647-01-02 § 6.1; eff. September 13, 1989; amended, Virginia Register Volume 7, Issue 9, eff. February 28, 1991.

24 VAC 35-21-240, Offender fee distribution.

24 VAC 35-21-240

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PART VI. ASAP FISCAL POLICY

24 VAC 35-21-240. Offender fee distribution.

1. All ASAPs, on a monthly basis shall forward the percentage designated by the Commission of each offender fee collected and the monthly financial report to the Commission in accordance with § 18.2-271.1 of the Code of Virginia. Programs deemed delinquent by the Commission on VASAP shall be notified in writing of an out-of-compliance status.
2. ASAPs are required to pay the State share on funds collected from programs which are DUI-related e.g., ASAP, Habitual Offender, and Drug referrals and any other program which cannot be operated without utilizing the ASAP resources.
3. If a program is operated without utilizing ASAP resources (staff, phone, office space, audit and financial services, supplies, Inferno, etc.) the State share is not required. ASAPs should notify the Executive Director of any such programs.
4. Funds not expended by the Commission from year to year after deficit funding has been satisfied shall be expended for the benefit of the ASAP or be refunded to such ASAPs in accordance with Commission directive.

STATUTORY AUTHORITY

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

NOTES

HISTORICAL NOTES

Derived from VR647-01-02 § 6.2; eff. September 13, 1989;
amended, Virginia Register Volume 7, Issue 9, eff. February 28,
1991.

24 VAC 35-21-250, Deficit funds.

24 VAC 35-21-250

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24 VAC 35-21-250. Deficit funds.

A portion of the fee paid to the Commission by the ASAP shall be set aside for deficit funding.

The Executive Director shall submit a quarterly account and report of these funds to the Commission Executive Finance Committee members.

STATUTORY AUTHORITY

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

NOTES

HISTORICAL NOTES

Derived from VR647-01-02 § 6.3; eff. September 13, 1989; amended, Virginia Register Volume 7, Issue 9, eff. February 28, 1991.

24 VAC 35-21-260, Deficit eligibility.

24 VAC 35-21-260

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PART VI. ASAP FISCAL POLICY

24 VAC 35-21-260. Deficit eligibility.

In order to be eligible for deficit funding an ASAP must meet the following criteria:

1. The ASAP is operating on an approved budget, which has been reviewed by the Commission and approved by the program's Policy Board, and has requested deficit funding.

2. The ASAP expends all available funds, including such funds as savings, certificates of deposit and any other savings during the budget year.

3. The ASAP is operating within all standards established by the Commission.

4. The ASAP is willing to revise its budget consistent with the recommendations from the Commission's Executive Finance Committee or the Commission.

5. The ASAP has filed a request and submitted all data requested by the Executive Finance Committee and Commission within the time frame allotted.

6. The ASAP is in compliance with state fee policy and report requirements.

STATUTORY AUTHORITY

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

NOTES

HISTORICAL NOTES

Derived from VR647-01-02 § 6.4; eff. September 13, 1989;
amended, Virginia Register Volume 7, Issue 9, eff. February 28,
1991.

24 VAC 35-21-270, Budgetary deficits.

24 VAC 35-21-270

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PART VI. ASAP FISCAL POLICY

24 VAC 35-21-270. Budgetary deficits.

A. All ASAPs requesting deficit funding shall complete a request for deficit funding and submit it to the Executive Director in sufficient time for review of request prior to actual deficit eligibility.

B. ASAPs must submit current budget and financial reports to the Executive Director with the request.

C. Budget reviews shall be conducted by the **Executive Finance Committee**. The **Executive-Finance Committee** will meet regarding the ASAP's request within 30 days of receipt of request to review information submitted and formulate a plan of action.

D. The ASAP Director will meet with the Executive Finance Committee to review the nature of the request for deficit funds.

E. An on-site review of the ASAP shall be made by the Executive-Finance **C**ommittee, Commission, or their designee.

F. Upon final review, the Executive Finance **C**ommittee shall determine the amount to be funded **from** Commission funds. Funds up to 5,000 may be authorized by the Executive Director during the interim. Funds up to \$10,000 may be authorized by the Executive Finance **C**ommittee. Larger amounts shall require a review by the full Commission.

G. Not more than 10 working days after completing this review, the Director and Board chairperson of the ASAP shall be notified of the determination of the Executive Finance Committee or Commission. ASAPs that meet the requirements shall receive funding. Any program requesting deficit funding, which does not

qualify for such funding, shall be advised by the executive/finance committee what action is necessary for qualification.

H. The ASAP Director shall submit to the Commission monthly reports of expenditures with comments on any significant change in the fiscal status of the ASAP for a minimum period of one year after receipt of deficit funding.

STATUTORY AUTHORITY

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

NOTES

HISTORICAL NOTES

Derived from VR647-01-02 § 6.5; eff. September 13, 1989; amended, Virginia Register Volume 7, Issue 9, eff. February 28, 1991.

24 VAC 35-21-280, Audits and financial reports.

24 VAC 35-21-280

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24 VAC 35-21-280. Audits, Accounting Methods, and financial reports.

Each ASAP's financial records and accounts shall be subject to local, state and, when applicable, federal audits.

All financial records shall be maintained in an orderly fashion using generally-accepted accounting procedures. The financial records shall be retained for three years after audit unless specifically authorized by the Commission for a shorter period of time.

Within 60 days after the close of the reporting period, all ASAPs shall submit to the Commission an annual income statement outlining the ASAP's expenditures and revenues for the reporting period. The report periods shall run from July 1 to June 30 of each year. All monies and accounts belonging to each ASAP shall be reported at the end of each annual fiscal statement.

The Commission shall retain the authority to review and approve the accounting methods used by ASAPs. Each ASAP shall submit the approved Monthly Financial Report within 60 days after the close of the month. Petty cash funds shall be approved by the ASAP Policy Board.

STATUTORY AUTHORITY

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

NOTES

HISTORICAL NOTES

Derived from VR647-01-02 § 6.6; eff. September 13, 1989;
amended, Virginia Register Volume 7, Issue 9, eff. February 28,
1991.

24 VAC 35-21-290, Grant applications.

24 VAC 35-21-290

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24 VAC 35-21-290. Grant applications.

ASAPs with political subdivisions as fiscal agents may apply for state or federal funding for grants and special projects focusing on the Commission components to improve transportation safety.

Regional grants shall be submitted in accordance with Regional Grant Guidelines.

STATUTORY AUTHORITY

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

NOTES

HISTORICAL NOTES

Derived from VR647-01-02 § 6.7; eff. September 13, 1989; amended, Virginia Register Volume 7, Issue 9, eff. February 28, 1991.

24 VAC 35-21-300, Offender fee collection.

24 VAC 35-21-300

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PART VI. ASAP FISCAL POLICY

24 VAC 35-21-300. Offender fee collection.

All offenders referred to the ASAP, except those the court determines to be indigent, are required to pay the fee as required by § 18.2-271.1 of the Code of Virginia. In addition, an ASAP, upon approval of the local policy board, may opt to impose administrative charges allowed by and limited by the Code of Virginia, and as approved by the COV (e.g., bad check charges). Collection of offender fees in cash is discouraged. Each ASAP shall have a policy regarding refunds.

Fees shall be collected at enrollment unless the offender is declared to be indigent, or hardship indicates that payment must be made over a period of time, or unless otherwise directed by the court. The fee is obligated at the time of completion of enrollment as defined, and the fee is non-refundable.

All fees deposited locally shall be in a local account approved by the fiscal agent, administrative agent, or the Policy Board and deposited in accordance with written fiscal procedures. Fees collected by the ASAP shall be deposited daily. Each ASAP shall strive to maintain a separation of duties, ensuring that persons writing receipts are not solely responsible for making daily deposits or reconciling bank records.

No ASAP shall retain over \$300 in cash from offender fees in its office beyond the daily close of business.

Each ASAP shall designate specific staff members to be responsible for collection of offender fees. Those individuals and their designees shall be bonded or insured.

All fees collected by the ASAP shall be documented with prenumbered receipts from the MIS. All receipts shall be posted in a daily transactions journal in the MIS. The automated receipting system provided by the Commission shall be utilized. All daily journals, copies of receipts, and any other records relating to the collection of fees shall be maintained by ASAP for three years after audit unless the ASAP has been authorized by the Commission following approval by the Virginia State Archives to destroy them in a shorter period.

Except for those ASAPs whose bookkeeping is provided by their fiscal or administrative agent, each ASAP shall have an appropriate staff member trained to conduct bookkeeping duties. ASAPs are authorized to contract with a recognized bookkeeping service in lieu of having a staff member perform bookkeeping duties. As recognized by the Auditor of Public Accounts and in generally accepted accounting procedures, the person who authorizes disbursements or executes checks shall not be the same person who conducts bookkeeping duties.

STATUTORY AUTHORITY

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

NOTES

HISTORICAL NOTES

Derived from VR647-01-02 § 6.8; eff. September 13, 1989; amended, Virginia Register Volume 7, Issue 9, eff. February 28, 1991.

24 VAC 35-21-305

VIRGINIA ADMINISTRATIVE CODE
TITLE 24. TRANSPORTATION AND MOTOR VEHICLES
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CHAPTER 21. POLICY AND PROCEDURE MANUAL
PART VI. ASAP FISCAL POLICY

24 VAC 35-21-305. Obligation to Report Lost, Stolen or Misspent Revenue

When revenue of the program is lost or stolen, this incident must be reported to the Executive Director with details immediately upon discovery.

When revenue of the program is misspent, spent without authorization or otherwise converted to personal use, this information must be reported to the Executive Director within three (3) working days of its discovery.

Revenue shall include petty cash, checking accounts, deposits, savings accounts, certificates of deposit and any other source of revenue, or assets owned by the ASAP.

Programs are still expected to conform with the Code of Virginia regarding its obligation to report such incidents to proper authorities. Consistent with the Code of Virginia, these matters shall be reported to the State Police.

STATUTORY AUTHORITY

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

NOTES

HISTORICAL NOTES

None

24 VAC 35-21-310, Transfers and fees.

24 VAC 35-21-310

VIRGINIA ADMINISTRATIVE CODE
TITLE 24. TRANSPORTATION AND MOTOR VEHICLES
VAC AGENCY NO. 35 COMMISSION ON THE VIRGINIA ALCOHOL SAFETY
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CHAPTER 21. POLICY AND PROCEDURE MANUAL
PART VI. ASAP FISCAL POLICY

24 VAC 35-21-310. Transfers and fees.

For those offenders who seek to transfer to an out-of-state facility, each ASAP shall inform the offenders in writing (with a copy to remain in their file) of their responsibility to pay the in-state ASAP fee and all costs incurred out-of-state, unless otherwise directed by the court.

Fees assessed to offenders being transferred intrastate should not be collected by the originating ASAP.

When an intrastate transfer decision is made following the collection of fees, the originating ASAP shall forward to the receiving ASAP the full amount of the fee collected less the portion sent to the Commission.

STATUTORY AUTHORITY

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

NOTES

HISTORICAL NOTES

Derived from VR647-01-02 § 6.9; eff. September 13, 1989; amended, Virginia Register Volume 7, Issue 9, eff. February 28, 1991.

24 VAC 35-21-315, Attachment Section 6.2

24 VAC 35-21-315

VIRGINIA ADMINISTRATIVE CODE
TITLE 24. TRANSPORTATION AND MOTOR VEHICLES
VAC AGENCY NO. 35 COMMISSION ON THE VIRGINIA ALCOHOL SAFETY
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PART VI. ASAP FISCAL POLICY

24 VAC 35-21-315. Long-Term Obligation and purchase of real property

No ASAP shall enter into obligations which commit revenue or resources for a period which exceeds 60 months without prior written approval by the Commission on VASAP.

No program shall seek to purchase real property, land or buildings without seeking prior written approval from the Commission on VASAP.

Any ASAP seeking to enter obligations, or contractor agreements for goods, services and rental leases which are for a period longer than five years (60 months), shall submit to the Commission on VASAP detailed information regarding its intention for review and approval before entering such obligations.

For programs which violate these procedures, the Director and each member of the Policy Board shall be held jointly responsible and severally liable for such obligation.

24 VAC 35-21-320, Correspondence.

24 VAC 35-21-320

VIRGINIA ADMINISTRATIVE CODE
TITLE 24. TRANSPORTATION AND MOTOR VEHICLES
VAC AGENCY NO. 35 COMMISSION ON THE VIRGINIA ALCOHOL SAFETY
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CHAPTER 21. POLICY AND PROCEDURE MANUAL
PART VII. COMMUNICATIONS

24 VAC 35-21-320. Correspondence.

State level correspondence from the Commission to administrative agents, fiscal agents and Policy Boards of ASAPs concerning ASAP operation shall also be copied to the ASAP Director simultaneously with the issuance of the original correspondence.

Correspondence originating in the ASAP office regarding financial and administrative problems shall be directed to the Executive Director.

STATUTORY AUTHORITY

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

NOTES

HISTORICAL NOTES

Derived from VR647-01-02 § 7.1; eff. September 13, 1989; amended, Virginia Register Volume 7, Issue 9, eff. February 28, 1991.

24 VAC 35-21-330, Reports.

24 VAC 35-21-330

VIRGINIA ADMINISTRATIVE CODE
TITLE 24. TRANSPORTATION AND MOTOR VEHICLES
VAC AGENCY NO. 35 COMMISSION ON THE VIRGINIA ALCOHOL SAFETY
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CHAPTER 21. POLICY AND PROCEDURE MANUAL
PART VII. COMMUNICATIONS

24 VAC 35-21-330. Reports.

An annual report of ASAP activities and financial data shall be completed by the ASAP. Copies shall be submitted to the Executive Director within 90 days of the close of the fiscal year, unless prior exception is secured from the Executive Director. The Executive Director will disseminate reports to members of the Commission, the VASAP Advisory Board, and other interested persons.

STATUTORY AUTHORITY

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

NOTES

HISTORICAL NOTES

Derived from VR647-01-02 § 7.2; eff. September 13, 1989; amended, Virginia Register Volume 7, Issue 9, eff. February 28, 1991.

24 VAC 35-21-340, Reviews.

24 VAC 35-21-340

VIRGINIA ADMINISTRATIVE CODE
TITLE 24. TRANSPORTATION AND MOTOR VEHICLES
VAC AGENCY NO. 35 COMMISSION ON THE VIRGINIA ALCOHOL SAFETY
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CHAPTER 21. POLICY AND PROCEDURE MANUAL
PART VIII. REVIEWS OF ASAPS

24 VAC 35-21-340. Reviews.

In addition to certification review, ASAP reviews may be directed by the Commission in response to ASAP requests, upon identification of substantial ASAP problems, or to update information on ASAP operations. The review may be conducted by the Executive Director, a representative from the ASAPS and any other persons designated by the Executive Director or Commission. The results of this special review shall be reported by the reviewer to the Commission within 30 days of the completion of the review. Upon approval of the report, a copy shall be submitted to the ASAP.

An ASAP may respond to the report through communication to the Commission within 30 days of receipt of the report. This will become a part of the official report by the Commission.

An ASAP review shall be conducted within 90 days of any change in the ASAP's administrative agent.

The Executive Director shall also be responsible for investigating any inappropriate activity reported, and preparing a report for the Commission.

STATUTORY AUTHORITY

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

NOTES

HISTORICAL NOTES

Derived from VR647-01-02 § 8.1; eff. September 13, 1989;
amended, Virginia Register Volume 7, Issue 9, eff. February 28,
1991.

24 VAC 35-21-350, Service agreements.

24 VAC 35-21-350

VIRGINIA ADMINISTRATIVE CODE
TITLE 24. TRANSPORTATION AND MOTOR VEHICLES
VAC AGENCY NO. 35 COMMISSION ON THE VIRGINIA ALCOHOL SAFETY
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CHAPTER 21. POLICY AND PROCEDURE MANUAL
PART IX. SERVICE AGREEMENTS

24 VAC 35-21-350. Service agreements.

All ASAPs, as referral agencies, shall explicitly outline relationships with vendors for education or treatment services for offenders through formal service agreements. All ASAPs shall utilize the standard service agreement format provided by the Commission. Local programs may attach an addendum to the standard agreement as negotiated with the service provider.

ASAPs shall be responsible for ensuring that all treatment service agreements are awarded to vendors who are licensed by the Department of Mental Health, Mental Retardation and Substance Abuse Services or licensed by the Department of Health Professions.

The ASAP shall be responsible for the negotiation and awarding of service agreements within its area. When the ASAP so requests, the Commission or its designee shall assist in negotiations and consultations on such agreements.

Service agreements shall not be entered into with any person or agency who is known not to adhere to state and federal equal opportunity regulations, local, state and federal confidentiality and privacy regulations, or any other applicable rules, regulations or laws.

All service agreements entered into by ASAPs shall be consistent with 24 VAC 35-21-190, conflict of interest.

STATUTORY AUTHORITY

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

NOTES

HISTORICAL NOTES

Derived from VR647-01-02 § 9.1; eff. September 13, 1989;
amended, Virginia Register Volume 7, Issue 9, eff. February 28,
1991.

24 VAC 35-21-360, Offenders file.

24 VAC 35-21-360

VIRGINIA ADMINISTRATIVE CODE
TITLE 24. TRANSPORTATION AND MOTOR VEHICLES
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CHAPTER 21. POLICY AND PROCEDURE MANUAL
PART X. RECORDS MANAGEMENT

24 VAC 35-21-360. Offenders file.

Each ASAP shall maintain a file on each offender referred or transferred for case management services. These files may be electronic or hard copy. These files shall contain:

1. Documents indicating referral
2. Consent(s) for release of information signed by the offender
3. Agreement(s) to participate signed by the offender
4. Service/Intervention provider reports
5. Reports to the court
6. Documentation of offender's intervention attendance and absences.
7. Transfer form(s)
8. Record of fee payment
9. Classification information
10. Record of chronological contact with offender. These files shall be in accordance with Case Management Policy and Procedure Manual.
11. Final report on those offenders who were noncompliant

Documentation of program participation shall be maintained on all other referrals.

The disposal of offender records shall be in accordance with the Code of Virginia and the Commission on VASAP records retention guidelines.

STATUTORY AUTHORITY

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

NOTES

HISTORICAL NOTES

Derived from VR647-01-02 § 10.1; eff. September 13, 1989; amended, Virginia Register Volume 7, Issue 9, eff. February 28, 1991.

24 VAC 35-21-370, Records retention.

24 VAC 35-21-370

VIRGINIA ADMINISTRATIVE CODE
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PART X. RECORDS MANAGEMENT

24 VAC 35-21-370. Records retention.

Each ASAP shall retain its records in accordance with the Records Management Plan approved by the Virginia State Archivist and the Commission:

All financial records of the ASAP shall be retained for three years after audit unless specifically authorized by the Commission for a shorter period of time. ASAPs shall not destroy offender records or files without authorization from the Commission.

STATUTORY AUTHORITY

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

NOTES

HISTORICAL NOTES

Derived from VR647-01-02 § 10.2; eff. September 13, 1989; amended, Virginia Register Volume 7, Issue 9, eff. February 28, 1991.

24 VAC 35-21-380, Transfer procedures and documentation.

24 VAC 35-21-380

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PART XI. TRANSFER PROCEDURES

24 VAC 35-21-380. Transfer procedures and documentation.

-
- a. In order to be considered for transfer, an offender must have contact with the originating ASAP.
 - b. The originating ASAP shall determine if the case should be transferred to another ASAP or another state according to the transfer procedure.
 - c. In general, ASAPs shall not retain an offender who resides outside of their service area.
 - d. If any ASAP involved fails to transfer an offender to the appropriate ASAP, such failure shall be reported to the Commission for investigation or action.
 - e. ASAPs are not required to re-open revoked cases for the purpose of transfer in cases that have been revoked longer than one year, have not been reinstated by the court, and the individual has moved to another jurisdiction.

STATUTORY AUTHORITY

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

NOTES

HISTORICAL NOTES

Derived from VR647-01-02 § 11.1; eff. September 13, 1989;
amended, Virginia Register Volume 7, Issue 9, eff. February 28,
1991.

24 VAC 35-21-390, Intrastate transfers.

24 VAC 35-21-390

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VAC AGENCY NO. 35 COMMISSION ON THE VIRGINIA ALCOHOL SAFETY
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PART XI. TRANSFER PROCEDURES

24 VAC 35-21-390. Intrastate transfers.

-
- A. ASAPs shall not retain an offender who resides outside of their service area.
- B. ASAPs must transfer an offender if place of residence changes to another service area.
- C. An offender who resides outside of the ASAP service area may request not to be transferred. Such request from the offender shall be in writing and kept in the offender's case file.
-
- D. An ASAP may consider a request by an offender for transfer to the area of the offender's employment.
- E. No ASAP shall refer offenders to, or establish offender referrals or case management services in the geographic service area of another ASAP, except:
1. With a written agreement between the ASAPs, and
 2. With a waiver granted by the Commission.

STATUTORY AUTHORITY

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

NOTES

HISTORICAL NOTES

Derived from VR647-01-02 § 11.2; eff. September 13, 1989;
amended, Virginia Register Volume 7, Issue 9, eff. February 28,
1991.

24 VAC 35-21-400, Interstate transfers.

24 VAC 35-21-400

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PART XI. TRANSFER PROCEDURES

24 VAC 35-21-400. Interstate transfers.

A. Offender cases may be transferred to an out-of-state agency if either of the following conditions exist:

1. An offender lives or is employed in another state and requests a transfer.

2. An offender is ordered, by the court to participate in a program out of state.

B. Transfers to states which are members of the interstate compact for DUI services may be accomplished in accordance with that agreement. In other cases, treatment and education services rendered by out-of-state agencies must meet the same program requirements as determined by the ASAP.

STATUTORY AUTHORITY

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

NOTES

HISTORICAL NOTES

Derived from VR647-01-02 § 11.3; eff. September 13, 1989; amended, Virginia Register Volume 7, Issue 9, eff. February 28, 1991.

24 VAC 35-21-410, Responsibility of ASAP (Alcohol Safety Action Program) receiving transfer.

24 VAC 35-21-410

VIRGINIA ADMINISTRATIVE CODE
TITLE 24. TRANSPORTATION AND MOTOR VEHICLES
VAC AGENCY NO. 35 COMMISSION ON THE VIRGINIA ALCOHOL SAFETY
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PART XI. TRANSFER PROCEDURES

24 VAC 35-21-410. Responsibility of ASAP receiving transfer.

The ASAP receiving a transferred offender shall adhere to the procedures in the Case Management Policy and Procedure Manual, Transfer Procedures and Documentation 35-31-160.

STATUTORY AUTHORITY

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

NOTES

HISTORICAL NOTES

Derived from VR647-01-02 § 11.4; eff. September 13, 1989; amended, Virginia Register Volume 7, Issue 9, eff. February 28, 1991.

24 VAC 35-21-420, Offender services.

24 VAC 35-21-420

VIRGINIA ADMINISTRATIVE CODE
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PART XII. OFFENDER SERVICES

24 VAC 35-21-420. Offender services.

ASAPs shall provide services as specified in the Code of Virginia, to include, but not limited to education, evaluation and/or referral to treatment, or other appropriate services.

All education programs shall include the approved hours of education incorporated in the Commission approved curricula.

Treatment shall include the referral of offenders identified as requiring clinical assessment and intervention. All treatment services shall be provided by individuals licensed by the Department of Health Professions or programs licensed by the Department of Mental Health, Mental Retardation, and Substance Abuse Services.

STATUTORY AUTHORITY

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

NOTES

HISTORICAL NOTES

Derived from VR647-01-02 § 12.1; eff. September 13, 1989; amended, Virginia Register Volume 7, Issue 9, eff. February 28, 1991.

24 VAC 35-21-425

VIRGINIA ADMINISTRATIVE CODE
TITLE 24. TRANSPORTATION AND MOTOR VEHICLES
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CHAPTER 21. POLICY AND PROCEDURE MANUAL
PART XII. OFFENDER SERVICES

24 VAC 35-21-425. Ancillary services

The Executive Director shall review and approve policy and procedures established for the operation of ancillary programs.

STATUTORY AUTHORITY

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

NOTES

HISTORICAL NOTES

None

24 VAC 35-21-430, Financial services.

24 VAC 35-21-430

VIRGINIA ADMINISTRATIVE CODE
TITLE 24. TRANSPORTATION AND MOTOR VEHICLES
VAC AGENCY NO. 35 COMMISSION ON THE VIRGINIA ALCOHOL SAFETY
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PART XII. OFFENDER SERVICES

24 VAC 35-21-430. Financial services.

ASAPs may provide financial assistance for a portion of the costs for treatment as negotiated by the provider. The amount of the fee expended for treatment services shall not exceed 15% of the assessed fee. For purposes of this section the assessed fee shall equal the amount ordered by the court, less the State Share submitted to the Commonwealth.

STATUTORY AUTHORITY

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

NOTES

HISTORICAL NOTES

Derived from VR647-01-02 § 12.2; eff. September 13, 1989; amended, Virginia Register Volume 7, Issue 9, eff. February 28, 1991.

24 VAC 35-21-440, ASAP commitment.

24 VAC 35-21-440

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PART XIII. PUBLIC INFORMATION, PUBLIC EDUCATION AND PREVENTION

24 VAC 35-21-440. ASAP commitment.

Each ASAP shall have a commitment to public information, public education and prevention which shall be developed at both the state and local level.

STATUTORY AUTHORITY

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

NOTES

HISTORICAL NOTES

Derived from VR647-01-02 § 13.1; eff. September 13, 1989; amended, Virginia Register Volume 7, Issue 9, eff. February 28, 1991.

24 VAC 35-21-450, Presentations and communication.

24 VAC 35-21-450

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PART XIII. PUBLIC INFORMATION, PUBLIC EDUCATION AND PREVENTION

24 VAC 35-21-450. Presentations and communication.

ASAPs shall communicate public information activity needs to the Commission designee.

The Commission or its designee shall develop and implement annual substance abuse prevention and transportation safety campaigns, and shall provide campaign materials for state and local use.

ASAPs and the Commission shall communicate plans of intended public information activities to adjacent ASAPs in advance of implementation if the adjacent ASAP will be affected by this activity.

STATUTORY AUTHORITY

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

NOTES

HISTORICAL NOTES

Derived from VR647-01-02 § 13.2; eff. September 13, 1989; amended, Virginia Register Volume 7, Issue 9, eff. February 28, 1991.

24 VAC 35-21-460, Surveys.

24 VAC 35-21-460

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PART XIII. PUBLIC INFORMATION, PUBLIC EDUCATION AND PREVENTION

24 VAC 35-21-460. Surveys.

The Commission, or its designee, shall use current research, evidence, and information in the technical design of alcohol or other drug and transportation safety campaigns.

STATUTORY AUTHORITY

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

NOTES

HISTORICAL NOTES

Derived from VR647-01-02 § 13.3; eff. September 13, 1989; amended, Virginia Register Volume 7, Issue 9, eff. February 28, 1991.

24 VAC 35-21-470, Materials.

24 VAC 35-21-470

VIRGINIA ADMINISTRATIVE CODE
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PART XIII. PUBLIC INFORMATION, PUBLIC EDUCATION AND PREVENTION

24 VAC 35-21-470. Materials.

Following public information campaigns, the Commission or its designee will survey all ASAPs for their opinions of the material content, quality and effectiveness of the campaign. This information shall be distributed to all ASAPs.

STATUTORY AUTHORITY

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

NOTES

HISTORICAL NOTES

Derived from VR647-01-02 § 13.4; eff. September 13, 1989; amended, Virginia Register Volume 7, Issue 9, eff. February 28, 1991.

24 VAC 35-21-480, Information.

24 VAC 35-21-480

VIRGINIA ADMINISTRATIVE CODE
TITLE 24. TRANSPORTATION AND MOTOR VEHICLES
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PART XIV. EVALUATIONS

24 VAC 35-21-480. Information.

Evaluation provides for the assessment of VASAP's deterrent effort. This is accomplished through the assessment of DUI recidivism of persons completing VASAP. ASAPs shall maintain accurate information on referred offenders and submit requested information in a timely manner.

The Commission shall assess the prevalence and incidence of DUI-related transportation crashes and the arrest rate of DUI offenders.

STATUTORY AUTHORITY

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

NOTES

HISTORICAL NOTES

Derived from VR647-01-02 § 14.1; eff. September 13, 1989; amended, Virginia Register Volume 7, Issue 9, eff. February 28, 1991.

24 VAC 35-21-490, Data flow.

24 VAC 35-21-490

VIRGINIA ADMINISTRATIVE CODE
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PART XIV. EVALUATIONS

24 VAC 35-21-490. Data flow.

ASAPs shall participate in the Commission-operated management information system. Data shall be submitted in accordance with standards established by the Commission. Any situation which prevents compliance with such standards shall be reported by the ASAP to the Commission. The Commission may give written approval for exemption if the situation is beyond the control of the ASAP.

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

STATUTORY AUTHORITY

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

NOTES

HISTORICAL NOTES

Derived from VR647-01-02 § 14.1; eff. September 13, 1989; amended, Virginia Register Volume 7, Issue 9, eff. February 28, 1991.

24 VAC 35-21-500, Privacy and security procedures.

24 VAC 35-21-500

VIRGINIA ADMINISTRATIVE CODE
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PART XV. PRIVACY AND SECURITY

24 VAC 35-21-500. Privacy and security procedures.

All ASAPs and the Commission shall process offender records and any other confidential information in a manner consistent with federal, state and local guidelines and regulations.

ASAPs shall not include individual offender names, social security numbers or addresses in correspondence unless that correspondence is marked confidential. A statement for handling the information shall be required on all consent for Release of Confidential Information forms, faxes, and electronic transmission.

STATUTORY AUTHORITY

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

NOTES

HISTORICAL NOTES

Derived from VR647-01-02 § 15.1; eff. September 13, 1989; amended, Virginia Register Volume 7, Issue 9, eff. February 28, 1991.

24 VAC 35-21-510, Waiver.

24 VAC 35-21-510

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PART XVI. WAIVER

24 VAC 35-21-510. Waiver.

- A. A justified exemption may be requested from any Policy and Procedure requirement or any other ASAP certification requirement or any part thereof.
- B. The ASAP requesting a waiver shall submit the request in writing to the Executive Director.
- C. The Executive Director must respond to the waiver request within fifteen calendar days after receipt of the request in conformance with VASAP Policy and Procedure Manual (24 VAC 35-11-10 to 24 VAC 35-11-70)
- D. Certain requested waivers may constitute a new policy decision by the Commission on VASAP and would be submitted at the next Commission on VASAP meeting for response.
- E. Requesting ASAP Director must be notified in writing of the decision within ten days of that decision.
- F. Waiver requests denied by the Executive Director may be presented for review at the next Executive Finance Committee meeting.

24 VAC 35-21, Forms, FORMS

24 VAC 35-21, Forms

VIRGINIA ADMINISTRATIVE CODE
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FORMS

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

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Score Sheet.

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