

**Legislative Regulation
Review Committee**

2010-024

Department of Motor Vehicles

**STANDARDS FOR SUBSTANCE ABUSE
TREATMENT PROGRAM**

IMPORTANT: Read instructions on bottom of Certification Page before completing this form. Failure to comply with instructions may cause disapproval of proposed Regulations.

STATE OF CONNECTICUT

Regulation
of

Department of Motor Vehicles

Standards for Substance Abuse Treatment Program

Section 1. Section 14-227f-1(3) of the Regulations of Connecticut State Agencies is amended to read as follows:

(3) "Commissioner" means the [commissioner of motor vehicles] Commissioner of Motor Vehicles, or his designee.

Section 2. Section 14-227f-1(4) of the Regulations of Connecticut State Agencies is amended to read as follows:

(4) "Department" means the [department of motor vehicles] Department of Motor Vehicles.

Sec. 3. Section 14-227f-2 of the Regulations of Connecticut State Agencies is amended to read as follows:

(a) Except as provided in [section] Section 14-227f-6 of the Regulations of Connecticut State Agencies, the commissioner shall not reinstate the operator's license or nonresident operating privilege of any violator until such person submits evidence to the commissioner that [he] such person has [satisfactorily completed a treatment program] complied with the requirements of section 14-227f of the Connecticut General Statutes.

(b) [Satisfactory completion of the treatment program] Compliance with the requirements of section 14-227f of the Connecticut General Statutes shall be in addition to other requirements for reinstatement of a person's operator's license or nonresident operating privilege.

Sec. 4. Section 14-227f-3 of the Regulations of Connecticut State Agencies is amended to read as follows:

Each violator shall be notified [of the requirement to satisfactorily complete a treatment program] that he or she must comply with the requirements of section 14-227f of the Connecticut General Statutes at the time that [he] such person is notified by the department of the suspension of [his] such person's operator's license or nonresident operating privilege. Such notice shall be in writing and addressed to the person's address of record in the files of the department. The notice shall provide a telephone number where the person may obtain further information including treatment program providers, costs and schedules of program availability.

Sec. 5. Section 14-227f-4(a)(1) of the Regulations of Connecticut State Agencies is amended to read as follows:

Except as otherwise provided, a treatment program shall comprise the following three (3) phases of treatment:

(a) The Phase I component of the program shall comprise:

(1) An intake interview including a physical, mental and psychological assessment of the client including the client's medical and treatment history, from which the client's functional capacity and [his] such person's present needs may be determined. The assessment and a plan for the client's treatment shall be made by a certified counselor. The assessment and plan shall be made at the beginning of Phase I, except that if it is determined by the certified counselor that the client does not require immediate medical treatment, the assessment and plan may be made in conjunction with the portion of the program specified in subdivision (2) of this subsection. Clients identified by the counselor as requiring detoxification shall receive immediate medical screening and, if medically appropriate, shall be referred to detoxification services in an appropriate clinical setting with qualified medical personnel. A complete

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physical examination of the client by a licensed physician may be required, which examination shall be the responsibility of the client and not included in the program fee. Clients diagnosed as having severe addiction problems shall be referred to more appropriate treatment;

Sec. 6. Section 14-227f-4(d) of the Regulations of Connecticut State Agencies is amended to read as follows:

- (d) A client [satisfactorily completing the entire program] who has complied with the requirements of section 14-227f of the Connecticut General Statutes and has completed the program shall be issued a certificate of completion by the provider.

Sec. 7. Section 14-227f-6(a) of the Regulations of Connecticut State Agencies is amended to read as follows:

- (a) Upon receipt of notification from the commissioner of the requirement to participate in a treatment program, a person may [,within thirty (30) days,] petition the commissioner, in writing, for a waiver of such requirement on the following grounds:

Sec. 8. Section 14-227f-8 of the Regulations of Connecticut State Agencies is amended to read as follows:

A person who fails to [complete] participate in the program specified in Section 14-227f-4 of the Regulations of Connecticut State Agencies [satisfactorily] in accordance with the requirements of section 14-227f of the Connecticut General Statutes, or does not receive a waiver in accordance with Section 14-227f-6 of the Regulations of Connecticut State Agencies, shall not have his or her operator's license or nonresident operating privilege reinstated. In the event that a person has had his or her operator's license or nonresident operating privilege reinstated, and such person fails to satisfactorily complete the program specified in Section 14-227f-4 of the Regulations of Connecticut State Agencies, such person shall have his or her operator's license suspended until he or she completes such program.

Sec. 9. Section 14-227f-10(4) of the Regulations of Connecticut State Agencies is amended to read as follows:

- (4) If a client does not [satisfactorily complete the program] comply with the requirements of section 14-227f of the Connecticut General Statutes or if it is determined that the client needs additional treatment, the provider shall make a report to the commissioner of the reasons for such evaluation and/or recommendation;

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Statement of Purpose:

The purpose of the proposed regulatory changes is to comply with the statutory mandate in Section 6 of Public Act 09-187 wherein the commissioner is directed to adopt regulations in accordance with chapter 54 to implement the provisions of section 14-227f of the Connecticut General Statutes.

Summary of Main Provisions:

Section 1. – “Commissioner of Motor Vehicles” has been capitalized to make it consistent with the statute.

Section 2. – “Department of Motor Vehicles” has been capitalized.

Sections 3., 4., 6., 8. and 9 - If an individual is notified by the commissioner that he/she is required to participate in a substance abuse treatment program, prior to having his/her operator’s license or nonresident operating privilege reinstated, such person must provide evidence to the commissioner that he/she has complied with the requirements of section 14-227f of the Connecticut General Statutes. The previous language required the individual to satisfactorily complete the program.

Section 5. – This regulation has been changed to make the individual as referenced gender neutral.

Section 7. - The requirement that an individual petition the commissioner within thirty days for a waiver to participate in a substance abuse treatment program has been removed.

Legal Effects of the Regulation:

The commissioner will not reinstate the operator’s license or nonresident operating privilege of an individual who does not provide evidence that such person has complied with the requirements of section 14-227f of the Connecticut General Statutes.

An individual who is notified that he or she is required to participate in a substance abuse treatment program can petition the commissioner for a waiver to participate in said program at any time.

Be it known that the foregoing:

Regulations Emergency Regulations are:
 Adopted Amended as hereinabove stated Repealed

By the aforesaid agency pursuant to:

Section ____ of the Connecticut General Statutes.

Section 14-227f of the Connecticut General Statutes, as amended by Section 6 of Public Act. No. 09-187 of the Public Acts.

Public Act. No. _____ of the Public Acts.

After publication in the Connecticut Law Journal on _____, 2009 of the notice of the proposal to:

Adopt Amend Repeal such regulations

(If applicable): And the holding of an advertised public hearing on __ day of __ 2009.

WHEREFORE, the foregoing regulations are hereby:

Adopted Amended as hereinabove stated Repealed

Effective:

When filed with the Secretary of the State.

(OR)

The ____ day of _____ 2009.

In Witness Whereof:	Date 3/19/10	SIGNED (Head of Board, Agency or Commission) <i>Rose M. Wavel</i>	OFFICIAL TITLE, DULY AUTHORIZED COMMISSIONER
Approved by the Attorney General as to legal sufficiency in accordance with Sec. 4-169, as amended, C.G.S.:		SIGNED <i>MB</i> 4/12/10	OFFICIAL TITLE, DULY AUTHORIZED ASSOC. ATT. GENERAL

Approved

Disapproved

Disapproved in part, (Indicate Section Numbers disapproved only)

Rejected without prejudice.

The Legislative Review Committee in accordance with Sec. 4-170, as amended, of the Connecticut General Statutes	DATE	SIGNED (Clerk of the Legislative Regulation Review Committee)
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Two certified copies received and filed, and one such copy forwarded to the Commission on Official Legal Publications in accordance with Section 4-172, as amended, of the Connecticut General Statutes.

DATE	SIGNED (Secretary of the State)	BY
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INSTRUCTIONS

One copy of all regulations for adoption, amendment or repeal, except emergency regulations, must be presented to the Attorney General for his determination of legal sufficiency. Section 4-169 of the Connecticut General Statutes.

Seventeen copies of all regulations for adoption, amendment or repeal, except emergency regulations, must be presented to the standing Legislative Regulation Review Committee for its approval. Section 4-170 of the Connecticut General Statutes.

Each regulation must be in the form intended for publication and must include the appropriate regulation section number and section heading. Section 4-172 of the Connecticut General Statutes.

Indicate by "(NEW)" in heading if new regulation. Amended regulations must contain new language in underlined and deleted language in brackets. Section 4-170 of the Connecticut General Statutes.