

CHAPTER 157
STANDARDS FOR SUBSTANCE ABUSE TREATMENT AND
ASSESSMENT PROGRAMS AND THE OPERATING A MOTOR VEHICLE
WHILE INTOXICATED (OWI) LAW

[Prior to 3/29/06, see 643—Ch 8]

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

641—157.1(125) Definitions. Unless otherwise indicated, the following definitions shall apply to the specific terms used in these rules:

“Assessment” means the ongoing process of identifying a diagnosis, ruling out other diagnoses, and determining the level of care needed by the client.

“Course for drinking drivers” means an approved course designed to inform the offender about drinking and driving and to encourage the offender to assess the offender’s own drinking and driving behavior in order to select practical alternatives. Enrollment in the course is not limited to persons ordered to enroll, attend, and successfully complete the course required under Iowa Code sections 321J.1 and 321J.17. However, any person under the age of 18 who is required to attend the course for violation of Iowa Code section 321J.2 or 321J.17 must attend a course offered by a substance abuse treatment program licensed under Iowa Code chapter 125. Any instructional course for drinking drivers shall be approved by the department of education in consultation with the community colleges and substance abuse treatment programs licensed under Iowa Code chapter 125 and using the course of instruction detailed in 281—21.31(321J).

“Department” means the Iowa department of public health.

“Evaluation” means the process to evaluate the client’s strengths, weaknesses, problems, and needs for the purpose of defining a course of treatment. This includes use of a standardized placement screening and any additional patient/client profile information, and recommendation to an appropriate level of care.

“HIPAA” means the Health Insurance Portability and Accountability Act of 1996.

“Licensed” means issuance of a license by the department and the state board of health, which validates the licensee’s compliance with substance abuse program standards and authorizes the licensee to operate a substance abuse program in the state of Iowa.

“Posttreatment” means continuing care after primary treatment has been completed.

“Primary treatment” means substance abuse treatment modality including inpatient, primary residential treatment, extended residential treatment, medically monitored residential, extended outpatient, intensive outpatient, and partial hospitalization.

“Program” means any individual, partnership, corporation, association, governmental subdivision or public or private organization.

“Qualifying program” means a program which has a contract with the state of Iowa or the state’s contracted managed care entity to provide substance abuse treatment using a sliding fee scale.

“Satisfactory completion of the drinking drivers course” means receiving at the completion of the course a grade from the course instructor of “C” or “2.0,” or better.

“Screening” means the process by which a client/patient is determined at risk and in need of further evaluation. The focus is on the minimum criteria necessary for appropriateness/eligibility.

“Substance abuser” means a person who lacks self-control as to the use of chemical substances or uses chemical substances to the extent that the person’s health is substantially impaired or endangered or that the person’s social or economic function is substantially disrupted.

“Treatment” means the broad range of planned and continuing, inpatient, outpatient, residential care services, including diagnostic evaluation, counseling, medical, psychiatric, psychological, and social service care, which may be extended to substance abusers, concerned persons, concerned family members, or significant others, and which is geared toward influencing the behavior of such individuals to achieve a state of rehabilitation.

641—157.2(125) Screening, evaluation, treatment, and drinking drivers course. Persons who are charged with operating a motor vehicle while intoxicated (OWI), Iowa Code section 321J.2, and whose driver's license or nonresident operating privileges are revoked under Iowa Code chapter 321J shall be assigned to undergo a substance abuse evaluation and, if recommended, treatment from a provider licensed by the department under Iowa Code chapter 125.

157.2(1) Screening. The initial screening shall consist of a generally accepted standardized substance abuse screening instrument. The program shall utilize a recognized diagnostic test or tool to determine "substance abuse" or "dependence" as those terms are defined in the DSM IV (Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition). In addition, programs shall collect information on blood alcohol content at time of arrest; history of other alcohol or drug-related arrests; history of alcohol/drug treatment; history of mental health problems and treatment; any OWI arrest that included personal injury or additional charge(s); and family history of substance abuse.

157.2(2) Evaluation. If the initial screening shows a potential for chemical dependency, then a further evaluation will be completed. This evaluation shall consist of further development of the six assessment dimensions outlined in the American Society of Addiction Medicine, Patient Placement Criteria for the Treatment of Substance-Related Disorders, Second Edition-Revised.

157.2(3) Treatment. Treatment shall consist of a broad range of planned and continuing, inpatient, outpatient, and residential care services, including ongoing diagnostic evaluation, counseling, and medical, psychiatric, psychological, and social service care geared toward influencing the behavior of such individuals to achieve a state of rehabilitation. Individuals will be placed in the appropriate level of care at a substance abuse treatment program licensed by the department under Iowa Code chapter 125 in accordance with the American Society of Addiction Medicine, Patient Placement Criteria for the Treatment of Substance-Related Disorders, Second Edition-Revised.

157.2(4) Drinking drivers course. Substance abuse treatment programs licensed by the department under Iowa Code chapter 125 may provide the drinking drivers course if the course curriculum is approved by the department of education under Iowa Code section 321J.22 and 281—21.31(321J).

641—157.3(125) Screening, evaluation, treatment, and drinking drivers course completion. The program shall report substance abuse screening, assessment, evaluation and treatment completion to the department of transportation and to the district court in accordance with Iowa Code sections 125.37, 125.84 and 125.86; the federal confidentiality regulations, "Confidentiality of Alcohol and Drug Abuse Patient Records," 42 CFR, Part 2, effective June 9, 1987; HIPAA; and other relevant provisions of federal and state law. The program shall report satisfactory completion of the drinking drivers course to the department of education in accordance with Iowa Code section 321J.22 and 281—21.31(321J); the federal confidentiality regulations, "Confidentiality of Alcohol and Drug Abuse Patient Records," 42 CFR, Part 2, effective June 9, 1987; HIPAA; and other relevant provisions of federal and state law.

157.3(1) Reporting form. Programs shall report screening, evaluation, and treatment completion utilizing the form "Notice Iowa Code 321J—Confidential Medical Record." Iowa substance abuse evaluation and treatment providers licensed by the department under Iowa Code chapter 125 shall submit this form online to the department of transportation using the department of transportation's 321J Web site, <https://www.saeval.dot.state.ia.us>.

157.3(2) Primary treatment. Upon completion of primary treatment, programs shall report to the department of transportation and the courts that treatment has been completed in accordance with Iowa Code section 321J.22; the federal confidentiality regulations, "Confidentiality of Alcohol and Drug Abuse Patient Records," 42 CFR, Part 2, effective June 9, 1987; HIPAA; and other relevant provisions of federal and state law.

157.3(3) Posttreatment results. If the court orders a posttreatment program, the program shall report progress and attendance to the person's probation officer or otherwise as ordered by the court in accordance with Iowa Code section 321J.22; the federal confidentiality regulations, "Confidentiality of Alcohol and Drug Abuse Patient Records," 42 CFR, Part 2, effective June 9, 1987; HIPAA; and other relevant provisions of federal and state law.

157.3(4) Drinking drivers course. Substance abuse treatment programs licensed by the department under Iowa Code chapter 125 may provide the drinking drivers course and shall report satisfactory

completion of the drinking drivers course to the department of education in accordance with Iowa Code section 321J.22 and 281—21.31(321J).

641—157.4(125) Cost of evaluation and treatment.

157.4(1) Screening and evaluation. The program shall charge no more than \$125 for the cost of screening and evaluation. The individual or the individual's insurance provider shall be responsible for the costs of the screening and evaluation.

157.4(2) Treatment. Qualifying programs shall consider a person admitted to the program pursuant to Iowa Code section 321J.3 who does not possess sufficient income or estate to make payment of the costs of the treatment in whole or in part to be a state patient and eligible for state-funded treatment as provided in Iowa Code section 125.44. Qualifying programs shall utilize a sliding fee schedule approved by the department to determine cost of treatment. There is no prohibition on any individual from paying in whole the cost of treatment.

157.4(3) Reimbursement. Programs shall be able to seek reimbursement of the cost of screening, evaluation and treatment from an individual's insurance company, firm or corporation bound to pay, or from Medicaid for an individual who is eligible or enrolled in Medicaid.

641—157.5(125) Timeliness. The program shall conduct and complete substance abuse evaluations and treatment at the program's earliest convenience.

641—157.6(125) Confidentiality. Programs will abide by the federal regulations, "Confidentiality of Alcohol and Drug Abuse Patient Records," 42 CFR, Part 2; Iowa Code section 125.37; HIPAA; and other relevant provisions of federal and state law.

641—157.7(125) Records.

157.7(1) Programs shall maintain records for a minimum of seven years after discharge or completion of screening, evaluation, or treatment, and then destroy or maintain the records based on the program's written policy and procedure.

157.7(2) Upon receipt of a properly executed written release of information signed by the client/patient, the program shall release client/patient records in a timely manner.

a. A program shall not refuse to transfer or release client/patient records related to continuation of care solely because payment has not been received.

b. A program may refuse to release client/patient records which are unrelated to continuation of care if payment has not been received.

c. A program may refuse to file the reporting form required by subrule 157.3(1), "Notice Iowa Code 321J—Confidential Medical Record," reporting screening, evaluation, and treatment completion, if payment has not been received for such services.

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641—157.8(125) Reciprocity. For a resident of a state other than Iowa or an Iowa resident obtaining evaluation or treatment outside the state, screening, evaluation or treatment services shall be provided by programs licensed or approved by that state's substance abuse authority. Programs shall submit the results of the screening, evaluation and treatment to the Iowa department of public health, division of behavioral health and professional licensure, for review and reporting purposes to the Iowa department of transportation.

These rules are intended to implement Iowa Code section 125.13.

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