

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: 7/1/30

641—157.1(125) Definitions. Unless otherwise indicated, the following definitions 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 rule 281—21.31(321J).

“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, which validates the licensee’s compliance with substance use disorder treatment program standards and authorizes the licensee to operate a substance use disorder treatment program in the state of Iowa.

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

“Primary treatment” means substance use disorder treatment modality, including licensed program services under 641—Chapter 155.

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

“Qualifying program” means a program that 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.

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

[ARC 9179C, IAB 4/30/25, effective 7/1/25]

641—157.2(125) Screening, evaluation, treatment, and drinking drivers course. Persons who are charged with operating a motor vehicle while intoxicated (OWI) under 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 a substance use disorder as those terms are defined in the Diagnostic and Statistical Manual of Mental Disorders (DSM) published by the American Psychiatric Association (published 2013, with all changes and updates approved by the American Psychiatric Association through September 2023 incorporated herein). 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.* In accordance with the American Society of Addiction Medicine (ASAM) Criteria (as amended to December 31, 2023) and accepted standards of practice, the evaluation shall consist of evaluating a person's strengths, resources, preferences, limitations, problems and needs; determining the licensed program services needed by the patient; determining the patient's eligibility for program services; and identifying treatment plan priorities.

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 care, psychiatric care, psychological care, 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 use disorder treatment program licensed by the department under Iowa Code chapter 125 in accordance with ASAM Criteria (as amended to December 31, 2023).

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 rule 281—21.31(321J).

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641—157.3(125) Screening, evaluation, treatment, and drinking drivers course completion. The program shall report substance use disorder 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 (1996); 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 rule 281—21.31(260C); the federal confidentiality regulations, "Confidentiality of Alcohol and Drug Abuse Patient Records," 42 CFR Part 2, effective June 9, 1987; HIPAA (1996); 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 website.

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 (1996); 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 (1996); 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 rule 281—21.31(260C).

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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.

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

[ARC 9179C, IAB 4/30/25, effective 7/1/25]

641—157.6(125) Confidentiality. Programs will abide by the standards for patient records set forth in rule 641—155.21(125,135).

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641—157.7(125) Records. Programs shall maintain records in accordance with 641—subrule 155.21(10).

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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 department for review and reporting purposes to the department of transportation.

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These rules are intended to implement Iowa Code section 125.13.

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