

**RULES
OF
THE TENNESSEE DEPARTMENT OF MENTAL HEALTH
AND DEVELOPMENTAL DISABILITIES**

**CHAPTER 0940-05-39
MINIMUM PROGRAM REQUIREMENTS FOR
ALCOHOL AND DRUG DUI SCHOOL SERVICES**

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0940-05-39-.01 DEFINITION.

- (1) "Alcohol and Drug Abuse D.U.I. School Services" means an intervention program providing assessment, education and, if indicated, appropriate treatment referral, for offenders of driving under the influence of alcohol and/or other drugs (i.e., convicted of violation of T.C.A. § 55-10-401).

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-302, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404 and Executive Order 44 (February 23, 2007). **Administrative History:** Original rule filed July 27, 2000; effective October 10, 2000. Amendment filed April 11, 2003; effective June 25, 2003. Amendment filed February 23, 2007; effective May 9, 2007. Per Executive Order 44 (February 23, 2007), rule was transferred from 1200-08-19 on May 15, 2008. Repeal and new rule filed August 27, 2008; effective November 10, 2008.

0940-05-39-.02 APPLICATION OF RULES.

- (1) The governing body of a D.U.I. School Service must provide services and facilities where services are rendered which comply with the following rules:
 - (a) Rule 0940-05-04-.04 Life Safety Licensure Rule for Business Occupancies or D.U.I. School Services may be delivered from a location which is used for other purposes, if such facility meets the provisions of Rule 0940-05-04-.01 Life Safety Requirements for the primary use of the building;
 - (b) Chapter 0940-05-06 Minimum Program Requirements for All Facilities; and
 - (c) Chapter 0940-05-39 Minimum Program Requirements for D.U.I. School Services.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-302, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404 and Executive Order 44 (February 23, 2007). **Administrative History:** Original rule filed July 27, 2000; effective October 10, 2000. Amendment filed February 23, 2007; effective May 9, 2007. Per Executive Order 44 (February 23, 2007), rule was transferred from 1200-08-19 on May 15, 2008. Repeal and new rule filed August 27, 2008; effective November 10, 2008.

0940-05-39-.03 POLICIES AND PROCEDURES.

- (1) The facility must maintain a written policy and procedure manual which includes the following:

(Rule 0940-05-39-.03, continued)

- (a) Documentation of court referral procedures including relationship with courts and communication procedures;
- (b) A description of course curriculum;
- (c) Class schedule including length of course and classes;
- (d) Procedures directed toward maintaining confidentiality by having all students acknowledge that they understand the confidentiality rules and will abide by them;
- (e) Exclusion criteria for service recipients not appropriate for admission;
- (f) In addition to meeting the requirements of 0940-05-06-.02(d), an explanation of fees charged to the service recipient for all services provided by the Licensee;
- (g) Procedures for intake and assessment, including the use of a standardized nationally recognized assessment instrument approved by the Tennessee Department of Mental Health and Developmental Disabilities Division of Alcohol and Drug Abuse Services;
- (h) Procedures to inform service recipients who do not speak English about their right to have assessments and instruction in their native language or to have the services of a state registered or state certified court interpreter, as defined by Tennessee Supreme Court Rule 42 Standards for Court Interpreters. D.U.I. service recipients requesting services must be provided an interpreter at no additional cost to the service recipient;
- (i) A statement of service recipient rights including, but not limited to, obligations to disclose information to referring agencies; and
- (j) Grievance procedures for the service recipient.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-302, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404 and Executive Order 44 (February 23, 2007). **Administrative History:** Original rule filed July 27, 2000; effective October 10, 2000. Amendment filed March 1, 2007; effective May 15, 2007. Per Executive Order 44 (February 23, 2007), rule was transferred from 1200-08-19 on May 15, 2008. Repeal and new rule filed August 27, 2008; effective November 10, 2008.

0940-05-39-.04 PERSONNEL AND STAFFING REQUIREMENTS.

- (1) Assessment, screening, education and referral services must be provided by qualified alcohol and drug abuse personnel.
- (2) All teachers shall be certified in cardiopulmonary resuscitation (CPR), first aid, and the abdominal thrust.
- (3) All staff members providing direct services to D.U.I. school recipients must have six (6) hours of continuing education annually in screening and assessing alcohol and drug abuse issues.
- (4) Staffing:
 - (a) A personnel record for each staff member of a service must include an application for employment and a record of any disciplinary action taken.
 - (b) In addition to the requirements of Rule 0940-05-06-.04(2), an annual verification of basic skills and annual evaluation of personnel performance must be documented in

(Rule 0940-05-39-.04, continued)

the personnel record. There must be documentation to verify that the employee has reviewed the evaluation and has had an opportunity to comment on it.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-302, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404 and Executive Order 44 (February 23, 2007). **Administrative History:** Original rule filed July 27, 2000; effective October 10, 2000. Amendment filed April 30, 2003; effective July 14, 2003. Amendment filed April 20, 2006; effective July 4, 2006. Amendment filed February 23, 2007; effective May 9, 2007. Amendment filed July 18, 2007; effective October 1, 2007. Per Executive Order 44 (February 23, 2007), rule was transferred from 1200-08-19 on May 15, 2008. Repeal and new rule filed August 27, 2008; effective November 10, 2008.

0940-05-39-.05 SERVICE RECIPIENT RECORD REQUIREMENTS.

- (1) The individual service recipient record must include the following:
 - (a) Documented findings of an assessment using a standardized nationally recognized assessment instrument approved by the Tennessee Department of Mental Health and Developmental Disabilities Division of Alcohol and Drug Abuse Services; and
 - (b) Referral to an appropriate treatment resource and notification of such referral to the initial referral source, if the service recipient assessment indicates an alcohol and drug problem. The facility must document referral services recommended and/or required for the service recipient, if applicable.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-302, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404 and Executive Order 44 (February 23, 2007). **Administrative History:** Original rule filed July 27, 2000; effective October 10, 2000. Per Executive Order 44 (February 23, 2007), rule was transferred from 1200-08-19 on May 15, 2008. Repeal and new rule filed August 27, 2008; effective November 10, 2008.

0940-05-39-.06 CLASS REQUIREMENTS.

- (1) All D.U.I. School Services must provide a minimum of twelve (12) hours of instruction to each student. Any student who does not complete twelve (12) hours of curriculum instruction has not completed the requirements for D.U.I. School.
- (2) Class size must not exceed twenty-five (25) students. The number of students in a class must be based on the occupancy load approved by the Fire Marshall.
- (3) Service recipients who do not speak English must have access to instruction in their native language or a court interpreter as defined in Rule 0940-05-39-.03(1)(j).

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-302, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404 and Executive Order 44 (February 23, 2007). **Administrative History:** Original rule filed July 27, 2000; effective October 10, 2000. Per Executive Order 44 (February 23, 2007), rule was transferred from 1200-08-19 on May 15, 2008. Repeal and new rule filed August 27, 2008; effective November 10, 2008.

0940-05-39-.07 CURRICULUM REQUIREMENTS.

- (1) The facility shall use a curriculum approved by the Department of Mental Health and Developmental Disabilities, Division of Alcohol and Drug Abuse Services. The curriculum shall minimally include current information areas including the following:
 - (a) Traffic Safety aspects of alcohol and drug use, including:
 1. Overview of the D.U.I. problem in Tennessee;

(Rule 0940-05-39-.07, continued)

2. Tennessee laws relevant to D.U.I.;
 3. Why the offenders are in school (probable cause for stopping an impaired driver);
 4. Relationship of blood alcohol and other drug use on driving ability;
 5. Techniques for avoiding driving while impaired; and
- (b) Physiological aspects of alcohol and other drug use, including:
1. Pharmacological and physical effects of alcohol and other depressants;
 2. Pharmacological and physical effects of other drugs;
 3. The potentiating effect of combining alcohol and other drugs; and
- (c) Psychological aspects of alcohol and other drug use, including:
1. Dynamics of alcohol and other drug use, abuse, and addiction, e.g., loss of control, denial, delusion, blaming, and guilt;
 2. The progression of addictive behavior;
 3. Dynamics in an alcohol and/or other drug abusive family;
 4. The impact of alcohol and other drug addiction on other life aspects, e.g., emotional, physical, professional, legal, spiritual, rational, and intellectual; and
 5. Local treatment resources and community support groups, e.g., Alcoholics Anonymous, Narcotics Anonymous, and Adult Children of Alcoholics.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-302, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404 and Executive Order 44 (February 23, 2007). **Administrative History:** Original rule filed July 27, 2000; effective October 10, 2000. Amendment filed June 21, 2007; effective September 4, 2007. Per Executive Order 44 (February 23, 2007), rule was transferred from 1200-08-19 on May 15, 2008. Repeal and new rule filed August 27, 2008; effective November 10, 2008. Amendment filed January 4, 2010; effective April 4, 2010.

0940-05-39-.08 REPORTING REQUIREMENTS.

- (1) The facility must report to the Department of Mental Health and Developmental Disabilities Division of Alcohol and Drug Abuse Services on a quarterly basis the following data:
 - (a) Number of offenders entering the school;
 - (b) Number of offenders completing the school;
 - (c) Number of offenders served by age, race, and sex;
 - (d) Number of out-of-state D.U.I. referrals;
 - (e) Number of offenders in each problem severity category per the screening for alcohol and drug problem; and

(Rule 0940-05-39-.08, continued)

(f) Number of offenders referred for treatment.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-302, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404 and Executive Order 44 (February 23, 2007). **Administrative History:** Original rule filed July 27, 2000; effective October 10, 2000. Amendment filed April 30, 2003; effective July 14, 2003. Amendment filed June 21, 2007; effective September 4, 2007. Per Executive Order 44 (February 23, 2007), rule was transferred from 1200-08-19 on May 15, 2008. Repeal and new rule filed August 27, 2008; effective November 10, 2008.

0940-05-39-.09 REPEALED.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-302, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404 and Executive Order 44 (February 23, 2007). **Administrative History:** Original rule filed July 27, 2000; effective October 10, 2000. Per Executive Order 44 (February 23, 2007), rule was transferred from 1200-08-19 on May 15, 2008. Repeal filed August 27, 2008; effective November 10, 2008.

0940-05-39-.10 REPEALED.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-302, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404 and Executive Order 44 (February 23, 2007). **Administrative History:** Original rule filed July 27, 2000; effective October 10, 2000. Amendment filed April 11, 2003; effective June 25, 2003. Per Executive Order 44 (February 23, 2007), rule was transferred from 1200-08-19 on May 15, 2008. Repeal filed August 27, 2008; effective November 10, 2008.

0940-05-39-.11 REPEALED.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-302, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404 and Executive Order 44 (February 23, 2007). **Administrative History:** Original rule filed July 27, 2000; effective October 10, 2000. Per Executive Order 44 (February 23, 2007), rule was transferred from 1200-08-19 on May 15, 2008. Repeal filed August 27, 2008; effective November 10, 2008.

0940-05-39-.12 REPEALED.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-302, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404 and Executive Order 44 (February 23, 2007). **Administrative History:** Original rule filed July 27, 2000; effective October 10, 2000. Repeal filed April 30, 2003; effective July 14, 2003. Per Executive Order 44 (February 23, 2007), rule was transferred from 1200-08-19 on May 15, 2008. Repeal filed August 27, 2008; effective November 10, 2008.

0940-05-39-.13 REPEALED.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-302, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404 and Executive Order 44 (February 23, 2007). **Administrative History:** Original rule filed July 27, 2000; effective October 10, 2000. Per Executive Order 44 (February 23, 2007), rule was transferred from 1200-08-19 on May 15, 2008. Repeal filed August 27, 2008; effective November 10, 2008.