



INFORMATION NOTICE 20-05

Addendum 1: Driving Under the Influence (DUI)

Purpose

The purpose of this Information Notice (IN) addendum is to provide interim guidance to behavioral health providers who are providing Driving Under the Influence (DUI) services during the COVID-19 pandemic. This IN addendum is in accordance with the Department of Health Care Services (DHCS) Behavioral Health IN No. [20-009](#), Governor’s Executive Orders [N-43-20](#) and [N-55-20](#), the Weekly COVID-19 All County call, and DBH IN [20-04](#). This addendum is effective April 23, 2020, and will end, including any extensions, upon termination of the public health emergency, in accordance with DHCS notification.

For the convenience of providers, DBH will update this addendum as updates are released by DHCS. DBH is also issuing separate addendums to this COVID-19 notice for the following programs/topics:

- Narcotic Treatment Programs (NTP) [20-05 A2](#); and
 - Administration [20-05 A3](#).
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Blanket Leaves of Absences (LOA)

California Code of Regulations (CCR) Title 9, Division 4, Chapter 3, § 9876.5 (b) specifies LOA directives in the event a participant is unable to attend any scheduled program activities for 21 days or longer.

Under Executive Order N-55-20, DHCS is allowing DUI programs to issue a blanket LOA for each participant affected by the COVID-19 emergency. Should a DUI program need to cease program operations to provide DUI program services because of the COVID-19 emergency, the DUI program may grant LOAs to all DUI participants enrolled in the DUI program.

A DUI program that decides to close as a result of the COVID-19 emergency and impose a blanket LOA shall:

- a) Immediately notify DBH of the closure and issuance of the blanket LOAs and DBH shall notify DHCS;
 - b) Contact all DUI program participants by phone and in writing of the facility closure and approved LOA;
 - c) Document confirmation of the LOA notification in each participant’s file, identifying COVID-19 as the reason for the LOA and the dates the LOA is in effect;
 - d) Document notification to the participant that the LOA could delay their program completion date;
 - e) Not require participant signatures on the LOA documentation, and
 - f) Post a notice of the temporary closure due to COVID-19 with a DUI program contact to the front door of the DUI program.
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Blanket Leaves of Absences (LOA),
continued

The duration of the blanket LOA will be dependent upon the duration of the COVID-19 emergency. Once the DUI program is able to resume normal DUI program services upon termination of the public health emergency, the DUI program must immediately notify DHCS and all DUI program participants. Each participant's file must be documented to reflect the date of termination of the blanket LOA.

Suspension of DHCS On-Site Inspections

Per Health & Safety Code (HSC) §11836.12, DHCS is required to complete an on-site inspection to ensure full statutory and regulatory compliance for each new license or license renewal.

During the COVID-19 state of emergency, the Executive Order grants DHCS authority to suspend on-site inspections to DUI programs, on a case-by-case basis, to reduce the potential for COVID-19 spread. Until then, all inspections will be virtual. Demonstration by the DUI program that the facility is clean, safe and free of alcohol or illicit drug use will be verified by video and/or photographs. Program adherence to applicable statutes and regulations will be verified by DHCS staff who will request files through a secure email for inspection. DHCS staff will communicate with the program through use of email or video throughout the inspection process and during the exit interview. Any resulting issuance of a Notice of Deficiency and resulting processes will follow CCR Title 9, Division 4, Chapter 3 regulations.

Alternate DUI Program Funding Mechanisms

As required by HSC §11837.3(a)(1), DUI programs must be self-supported through fees collected from program participants.

Under the authority of the Executive Order N-55-20, DHCS is waiving this statutory requirement due to potential DUI program revenue loss as a result of participant absenteeism and DUI program closures resulting from the COVID-19 emergency. By waiving this statute, DHCS is allowing DUI programs to receive funding from sources other than participant fees, which includes, but is not limited to, any state or federal government emergency funds that become available to small businesses affected by COVID-19, as well as any funds provided to the DUI programs through counties. Under this waiver, DUI programs may be able to apply for grant funding or other available COVID-19 monies to subsidize program operations in part or in full during this emergency. In the event that funding becomes available, DUI programs are encouraged to submit an application following specific grant contracting and submission guidelines.

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Additional Time to Complete Counselor Certification Requirements

California Code of Regulations, Title 9, §13035(f)(1) requires AOD registered counselors obtain AOD counselor certification, from a DHCS recognized certifying organization, within five (5) years of the date of registration.

Under the authority of Executive Order N-55-20, DHCS shall suspend the requirement to complete AOD registration for the duration of the declaration of emergency. DHCS shall extend the AOD registrants' completion date by the same number of months that the requirement was suspended.

Reference(s)

- [DBH Information Notice 20-04](#)
- [DBH Information Notice 20-05](#)
- [DHCS Behavioral Health IN-20-009 BH Guidance](#)
- [DHCS Behavioral Health IN 20-014 Residential MH facilities](#)
- [DHCS Behavioral Health IN 20-015 MHRC and PHFs](#)
- [DHCS Behavioral Health IN 20-016 DUI Program](#)
- [DHCS Behavioral Health IN 20-017 AOD facilities](#)
- [DHCS Behavioral Health IN 20-024 BH Payment/Reimbursement](#)
- [DHCS MAT FAQs](#)
- [DHCS NTP FAQs](#)
- [SAMHSA COVID-19 FAQs](#)

For additional information COVID-19 information from DHCS please refer to its webpage: [DHCS COVID-19 Response](#).

Questions

For questions regarding this Information Notice, please contact DBH Substance Use Disorder and Recovery Services at (909) 386-9740 or via email at DBH-sudrsadmin@dbh.sbcounty.gov.
