DAY 3:

THE ADMINISTRATIVE HEARING PROCESS

Part 2
The Administrative Hearing Process

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Service Provider Role In Hearing Process

Provide a clinically objective report that specifically addresses an individual client’s relationship to alcohol or other drugs.

Do not advocate for driving relief

Hearing Officer Role in Hearing Process

Consider all available information and determine whether an individual petitioner represents an acceptable risk to be granted driving relief.

The primary responsibility is public safety and welfare.
5 Decision Making Factors

#1: Have the minimum requirements been fulfilled?
#2: Are there deficiencies in the submitted documentation?
#3: How did the petitioner present themselves at the hearing?
#4: What is the petitioner’s overall driving record?
#5: What type of driving relief is the petitioner eligible for?

Factor #1

Minimum Requirements

- Current alcohol and drug evaluation no older than 6 months at time of hearing. (Remember the Alcohol/Drug Evaluation Uniform Report must include a recitation of the petitioner’s alcohol/drug use history, from first use to present use.)
- Documentation of compliance with recommendations corresponding to classification level.
**MINIMAL RISK**

- Alcohol/Drug Evaluation Uniform Report properly signed and dated within six months of the date of hearing and a current Update Evaluation when appropriate.
- Document completion of Driver Risk Education with a post-test score of 75% or greater.

**MODERATE RISK**

- Alcohol/Drug Evaluation Uniform Report properly signed and dated within six months of the date of hearing and a current Update Evaluation when appropriate.
- Document completion of Driver Risk Education with a post-test score of 75% or greater.
- Document completion of a minimum of 12 hours of Early Intervention or provide a clinical rationale for non-completion of such program.

**Early Intervention Documentation**

- Summary report on letterhead stationary regarding intervention provided and its outcome.
- Specific issues that were explored/addressed relating to the individual petitioner’s use of alcohol/drugs.
- Provider’s perception of what individual petitioner gained and his/her ability to avoid development of future alcohol/drug problems.
**Significant Risk**

- Alcohol/Drug Evaluation Uniform Report properly signed and dated within six months of the date of hearing and a current Update Evaluation when appropriate.
- Document completion of Driver Risk Education with a post-test score of 75% or greater.
- Document completion of a minimum of twenty hours of treatment.
- Provide clinical rationale for any modification in required minimum recommendation (increase or decrease) and/or Treatment Needs Assessment and Waiver when appropriate.

**Treatment Documentation**

- Secretary Of State Treatment Verification form with required attachments:
  - Individualized treatment plan
  - Discharge summary
  - Continuing care plan or clinical rationale for determining continuing care not necessary
  - Continuing Care Status Report

**Criteria for Continuing Care Status Report Documentation**

- Summary report on letterhead stationary.
- If ongoing, level of progress in completing follow-up activities detailed in plan.
- If completed, summary report discussing progress throughout course of completing follow-up activities detailed in plan.
High Risk (Non-Dependent)

- Alcohol/Drug Evaluation Uniform Report properly signed and dated within six months of the date of hearing and a current Update Evaluation when appropriate.
- Document completion of a minimum of seventy-five hours of treatment.
- Provide clinical rationale for any modification in required minimum recommendation (increase of decrease), and/or a Treatment Needs Assessment and Waiver when appropriate.

High Risk (Non-Dependent) Requirements continued...

- Provision of a clinical explanation for why dependency was ruled out.
- Minimum of 3 written statements from people who see petitioner on regular and frequent basis.

High Risk (Non-Dependent) Requirements continued...

- Document either total abstinence or continued use in a non-problematic manner for at least 12 consecutive months to be considered for full reinstatement.
- May be reduced to at least 6 months when considering RDP.
High Risk (Dependent)

- Alcohol/Drug Evaluation Uniform Report properly signed and dated within six months of the date of hearing and a current Update Evaluation when appropriate.
- Document completion of a minimum of seventy-five hours of treatment.
- Provide clinical rationale for any modification in required minimum recommendation.

High Risk (Dependent) Requirements continued…

- Document total abstinence for at least 12 consecutive months to be considered for full reinstatement.
- May be reduced to at least 6 months when considering RDP.
- Minimum of 3 written statements from people who see petitioner on regular and frequent basis.

High Risk (Dependent) Requirements (continued)

- Document involvement in a support/recovery program.
- Minimum of 3 written statements from fellow members/participants in the program.
- If petitioner’s support is non-traditional, petitioner must also identify what the program is and explain how it works and keeps him/her abstinent.
Decision Making Factors

Factor #2
Are there deficiencies in the documentation submitted?

Factor #2
Primary Problem is Inconsistency
- Inconsistency within documents
- Inconsistency between documents
- Inconsistency between petitioner’s testimony and documents
- Inconsistency between petitioner’s testimony and witness testimony

Decision Making Factors

Factor #3
How did the petitioner present himself/herself at hearing?
### Factor #3
**Petitioner and Presentation at Hearing**
- Understanding and acceptance
- Credibility
- Demeanor

### Decision Making Factors
**Factor # 4**
**What is the petitioner’s overall driving record?**

- Consider all offenses, not just alcohol/drug-related driving offenses.
- Has petitioner demonstrated an inability to utilize driving privileges in a responsible manner?
Decision Making Factors

**Factor # 5**
What type of driving relief is the petitioner eligible for?

**Factor # 5**
Eligibility

- Reinstatement (if applicable)
- Restricted Driving Permit
  - (employment, educational, support, medical, etc.)
- Hardship (if applicable)

Other Notes...

- PDPS
- ...all alcohol/drug related offenses
- ...6-303
- ...BAID, BMO, LIFETIME
- ...RDP length