

# Virginia Administrative Code

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## CHAPTER 30

### VASAP CASE MANAGEMENT POLICY AND PROCEDURE MANUAL

#### Part I

#### Case Management

#### **24VAC35-30-10. Introduction.**

VASAP (Virginia Alcohol Safety Action Program) Case Management is a probationary function of the courts, comprised of referral enrollment, intake, classification, offender intervention, case supervision/monitoring and court reporting. The Case Manager serves the court in coordinating the referral of the offender into appropriate community-based services pursuant to VASAP policy and procedure.

Offenders referred to VASAP by the courts are required to adhere to program guidelines as specified in a signed agreement outlining their VASAP conditions and expectations.

#### Statutory Authority

§§ 18.2-271.1 and 18.2-271.2 of the Code of Virginia.

#### Historical Notes

Derived from VR647-01-03 § 1.1, eff. September 13, 1989; amended, Virginia Register Volume 7, Issue 9, eff. February 28, 1991.

#### **24VAC35-30-20. Administration.**

The ASAP director shall be responsible for the implementation and supervision of the case management component as necessary to ensure that the needs of the court are met pursuant to the Commission on VASAP policy and procedure.

#### Statutory Authority

§§ 18.2-271.1 and 18.2-271.2 of the Code of Virginia.

#### Historical Notes

Derived from VR647-01-03 § 1.2, eff. September 13, 1989; amended, Virginia Register Volume 7, Issue 9, eff. February 28, 1991.

Part II  
General Provisions

**24VAC35-30-30. Definitions.**

The terms used in this chapter shall have the following meanings unless the context indicates otherwise.

"ASAP" means Alcohol Safety Action Program formed by political subdivisions or by the commission as a criminal justice program that uses community and state services to address the problem of driving under the influence of alcohol and other drugs. ASAPs receive referrals from local courts or the commission. ASAPs deliver intervention services within locally-administered programs to specific municipal jurisdictions within the Commonwealth of Virginia pursuant to §§ 18.2-271.1 and 18.2-271.2 of the Code of Virginia.

"BAC" means blood alcohol concentration which is determined by law-enforcement personnel or other licensed organizations in accordance with procedures established in § 18.2-268.

"CCRE" means central criminal records exchange.

"Classification" means a process involving the assessment of an offender's personal involvement with alcohol or other drugs which results in referral to an appropriate intervention service (educational treatment).

"Commission" means the state agency established as the Commission on the Virginia Alcohol Safety Action Program serving under the auspices of and reporting directly to the Secretary of Transportation. It is composed of two members from the House Committee for Courts of Justice, two members from the Senate Committee for Courts of Justice, two sitting or retired district court judges who regularly hear or heard cases involving DUI and who are familiar with local ASAPs, two directors of ASAPs, one representative from the law-enforcement profession, one citizen at large, one representative from the Department of Motor Vehicles and one representative from the Department of Mental Health, Mental Retardation and Substance Abuse Services.

The commission shall establish and certify ASAPs and require them to be operated in accordance with commission standards pursuant to § 18.2-271.2 of the Code of Virginia.

"DAT" means driver awareness training. Providing information on defensive driving and accident prevention.

"Director of ASAP" means the person who is in charge of and accountable for the operation of an ASAP. The ASAP director reports to the ASAP policy board.

"DMV" means the Commonwealth of Virginia Department of Motor Vehicles.

"DUI" means operating or driving a motor vehicle or boat under the influence of alcohol or drugs (§§ 18.2-266 and 29.1-738 of the Code of Virginia).

"Education" means commission-approved classes provided to some offenders following classification. The intervention services include alcohol or drug education, young offender education, and intensive education.

"Enrollment" means that the offender has to report to the ASAP, obtain an intake appointment, make arrangements to pay the ASAP fee, and sign an agreement to participate as provided in §§ 18.2-266 through 18.2-273 of the Code of Virginia.

"Intake" means the process wherein offenders, either individually or in groups, provide objective and subjective information to case managers for use in their classification.

"Intervention services" means direct service activities to offenders entering through a program which provides direct services. Such activities include assessment services, crisis intervention, case management services and exit activities.

"Policy board" means a group established by the ASAP which controls and gives direction to the ASAP's activities and provides input of local needs. This board may also be established in accordance with §§ 18.2-271.1 and 18.2-271.2 of the Code of Virginia by the commission.

"Treatment" means intervention services provided to offenders subsequent to a recommendation for referral by an ASAP to outpatient, in-patient or residential services treatment and provided by a certified agent or licensed program.

"VASAP" means the Virginia Alcohol Safety Action Program, a probation intervention system providing services to offenders referred to the program by the courts. VASAP consists of the Commission on VASAP, the Advisory Board to the Commission on VASAP, local ASAP policy boards and local Alcohol Safety Action Programs as established in §§ 18.2-271.1 and 18.2-271.2 of the Code of Virginia.

"VMIS" means an Automated Management Information System, a computer network which provides offender profiles to the ASAPs and a mechanism for the transfer of cases and information between the ASAPs and the VASAP office.

#### Statutory Authority

§§ 18.2-271.1 and 18.2-271.2 of the Code of Virginia.

#### Historical Notes

Derived from VR647-01-03 § 2.1, eff. September 13, 1989; amended, Virginia Register Volume 7, Issue 9, eff. February 28, 1991.

#### **24VAC35-30-40. Assignment of case manager.**

All offenders referred to an ASAP will be assigned a case manager.

The case manager shall inform the court if an offender is not in full compliance with court orders and ASAP directives.

All case managers shall provide services in accordance with the case management policies contained herein.

#### Statutory Authority

§§ 18.2-271.1 and 18.2-271.2 of the Code of Virginia.

#### Historical Notes

Derived from VR647-01-03 § 2.2, eff. September 13, 1989; amended, Virginia Register Volume 7, Issue 9, eff. February 28, 1991.

#### **24VAC35-30-50. Referral contact.**

Upon receipt of referral, the ASAP shall determine if the case needs to be transferred (refer to Transfer Policy, VASAP Policy and Procedure Manual (24VAC35-20-10 et seq.) for specific requirements).

#### Statutory Authority

§§ 18.2-271.1 and 18.2-271.2 of the Code of Virginia.

#### Historical Notes

Derived from VR647-01-03 § 2.3, eff. September 13, 1989; amended, Virginia Register Volume 7, Issue 9, eff. February 28, 1991.

#### **24VAC35-30-60. Enrollment.**

Persons referred to the VASAP system must enroll with a local ASAP before they can obtain a restricted driver's license. Enrollment as defined includes but is not limited to the following:

1. The offender must report to an ASAP representative. (This contact can be in court or at the place designated by the ASAP director.)
2. The offender must sign the enrollment agreement.
3. The offender must pay the ASAP participation fee or make satisfactory arrangements for payment with the ASAP.
4. The offender must obtain an appointment specifying when intake will be held.
5. The offender must return to the clerk of court with a release from the ASAP which will allow the court to issue a restricted license.

#### Statutory Authority

§§ 18.2-271.1 and 18.2-271.2 of the Code of Virginia.

#### Historical Notes

Derived from VR647-01-03 § 2.4, eff. September 13, 1989; amended, Virginia Register Volume 7, Issue 9, eff. February 28, 1991.

#### **24VAC35-30-70. Intake.**

Intake is to be the initial procedure following enrollment. Information is gathered for classification use and the following documents are completed for the offender's case file:

1. Court order or referral documents.
2. Receipts or payment plan.
3. Consent form for release of information signed by the offender.
4. Participant contact record.
5. Agreement to participate which shall require the offender to:
  - a. Meet with case manager as required.
  - b. Pay the ASAP fee.
  - c. Pay the cost of any treatment program, if applicable.
  - d. Comply with any necessary education or treatment requirements.
  - e. Attend all education or treatment sessions free from alcohol and drugs.
  - f. Submit to a breath test when requested by an ASAP representative.

- g. Attend education or treatment sessions and comply with attendance policy.
- h. Advise case manager of all changes of address or any other change which might affect ASAP participation.
- i. Actively participate in the program.
- j. Submit to reclassification or return to court for any additional alcohol or drug related arrests or convictions while in ASAP.

6. Other reports as required.

#### Statutory Authority

§§ 18.2-271.1 and 18.2-271.2 of the Code of Virginia.

#### Historical Notes

Derived from VR647-01-03 § 2.5, eff. September 13, 1989; amended, Virginia Register Volume 7, Issue 9, eff. February 28, 1991.

#### **24VAC35-30-80. Required procedures during intake.**

1. Offenders displaying medical, emotional or behavioral problems shall be screened for interference with ASAP participation. When a determination is made that the offender cannot participate in ASAP because of medical, emotional or behavioral reasons, beyond his control, the case manager shall return the offender to the court of referral with a recommendation for placement.

2. The case manager shall explain the following to offenders and have forms executed:

- a. Fee payment or payment plan;
- b. Agreement to participate;
- c. Overview of ASAP and expected activities for offender; and
- d. Consent to release information form.

#### Statutory Authority

§§ 18.2-271.1 and 18.2-271.2 of the Code of Virginia.

#### Historical Notes

Derived from VR647-01-03 § 2.6, eff. September 13, 1989; amended, Virginia Register Volume 7, Issue 9, eff. February 28, 1991.

#### **24VAC35-30-90. File documentation for classification.**

The following documents shall be required for the classification and included in the file of the offender:

1. DMV driving record.
2. Arrest information including blood alcohol concentration at last DUI arrest.
3. Results of approved alcohol or other drug screening instrument.
4. Classification summary sheet.
5. Personal data.

Statutory Authority

§§ 18.2-271.1 and 18.2-271.2 of the Code of Virginia.

Historical Notes

Derived from VR647-01-03 § 2.7, eff. September 13, 1989; amended, Virginia Register Volume 7, Issue 9, eff. February 28, 1991.

**24VAC35-30-100. Required procedures during classification.**

The following required classification procedure shall be used by each case manager:

1. Review all available data pertaining to offender's use of alcohol or other drugs.
2. Administer approved alcohol or other drug screening instrument and review results.
3. Conduct personal interview with offender.
4. Determine classification of offender in accordance with approved criteria as needing education, intensive education, or treatment.

Statutory Authority

§§ 18.2-271.1 and 18.2-271.2 of the Code of Virginia.

Historical Notes

Derived from VR647-01-03 § 2.8, eff. September 13, 1989; amended, Virginia Register Volume 7, Issue 9, eff. February 28, 1991.

**24VAC35-30-110. Classification categories.**

ASAPs use three classification categories: education, intensive education and treatment.

1. Education - offender shall be characterized as having an alcohol or other drug pattern which does not result in tolerance to the substance nor does the offender exhibit any substantial

problems with the substance abuse. Probationers in this group are usually assigned to the ASAP education classes.

2. Intensive education - the offender shall be characterized as using quantities of alcohol or drugs resulting in increased tolerance and exhibits substantial problems with alcohol or other drugs without appearing addicted or exhibiting addictive use patterns. Probationers in this group are usually assigned to ASAP intensive education classes.

3. Treatment - the offender shall be characterized as exhibiting serious problems with alcohol or other drugs, significant tolerance and possibly having addiction to alcohol or other drugs, an abusive pattern of use. Probationers in this group are referred to a licensed treatment agency or individual.

#### Statutory Authority

§§ 18.2-271.1 and 18.2-271.2 of the Code of Virginia.

#### Historical Notes

Derived from VR647-01-03 § 2.9, eff. September 13, 1989; amended, Virginia Register Volume 7, Issue 9, eff. February 28, 1991.

#### **24VAC35-30-120. Classification guidelines.**

A. More than one criterion shall be indicated to designate classification to education or intensive education; however, any one of the treatment criteria is sufficient for treatment referral. Referral to a level when any criterion for that level is exceeded requires written explanation placed in the probationer's file with the supervisor's approval:

##### 1. Education.

a. No prior legal consequences as a result of alcohol or other drug use.

b. BAC usually not to exceed 19%.

c. No detrimental social, financial, or health consequences as a result of alcohol or other drug use.

d. A score on a commission approved alcohol or other drug screening test indicating "no problem."

e. Positive correlation between interview data and objective data.



## 2. Intensive education.

- a. No prior DUI offense.
- b. No prior alcohol- or other drug-related education or treatment.
- c. BAC usually not to exceed 23%.
- d. No more than one prior alcohol - or other drug-related offense, not including DUI (for example, drunk or drinking in public).
- e. A score on a commission approved alcohol or other drug screening test indicating "potential problem."
- f. A family history of alcohol or other drug abuse.

## 3. Treatment.

- a. Self-admission of an alcohol or other drug problem.
- b. Prior DUI offense.
- c. Prior alcohol- or other drug-related treatment or education.
- d. Positive reading from a breath alcohol screening device during any ASAP meeting or group.
- e. Subsequent alcohol- or other drug-related offense during the probationary period.
- f. A score on a commission approved alcohol or other drug screening test indicating "problem."

B. Identifiable psychological or psychiatric problems may preclude offender involvement in group intervention.

C. The ASAP case manager shall classify the offender using interviews, record checks and screening instruments. Offenders shall be classified in both group and individual formats.

### Statutory Authority

§§ 18.2-271.1 and 18.2-271.2 of the Code of Virginia.

### Historical Notes

Derived from VR647-01-03 § 2.10, eff. September 13, 1989; amended, Virginia Register Volume 7, Issue 9, eff. February 28, 1991.

### **24VAC35-30-130. Offender intervention.**

Case managers are responsible for the referral of the offender to a service provider. Treatment referrals shall be to a service provider licensed or certified by the Department of Mental Health, Mental

Retardation and Substance Abuse Services or the Department of Health Professions. Education referral shall be to a service provider that utilizes the commission's education curriculum. Selection of the education service provider shall be at the discretion of the local ASAP.

Referrals shall be based on standardized criteria and the documented classification of the offender and shall be maintained in the offender's case file. After referral to treatment, the assignment to a specific treatment modality shall be based on an independent non-ASAP professional assessment in collaboration with VASAP case managers, e.g., inpatient, outpatient, or residential.

Case managers shall make referrals only to service providers who follow approved reporting guidelines.

Case managers shall furnish service providers with a written notice of referral on each participant and a summary of pertinent information regarding the offender's history with alcohol or other drug abuse.

Case managers shall maintain authority over all offenders referred and receiving services to ensure proper compliance with court directions and ASAP policies. Offenders testing positive for the presence of alcohol or other drugs during education, intensive education, or probation may be referred to the appropriate agency for evaluation of treatment needs.

#### Statutory Authority

§§ 18.2-271.1 and 18.2-271.2 of the Code of Virginia.

#### Historical Notes

Derived from VR647-01-03 § 2.11, eff. September 13, 1989; amended, Virginia Register Volume 7, Issue 9, eff. February 28, 1991.

#### **24VAC35-30-140. Monitoring.**

Case managers monitor offenders during their participation to ensure compliance with court orders and ASAP policies. Each case manager is responsible for a specific number of cases identified as a case load.

A case load is the number of cases assigned at any one time to a specific case manager for the purpose of monitoring compliance. Monitoring begins when the offender is assigned, and ends when the individual has completed the conditions of probation. A case is considered inactive 30 days after completion of education or treatment services pending the end of the probationary period.

Case managers shall review reports daily on attendance, participation and services delivered to verify

offender compliance.

Each case manager shall maintain a case load of at least 20 and no more than 300 active cases at one time, unless authorized by the commission.

Statutory Authority

§§ 18.2-271.1 and 18.2-271.2 of the Code of Virginia.

Historical Notes

Derived from VR647-01-03 § 2.11, eff. September 13, 1989; amended, Virginia Register Volume 7, Issue 9, eff. February 28, 1991.

#### **24VAC35-30-150. Reporting.**

ASAPs shall work with the courts and service providers to establish reports essential to the probationary function of the case manager. Service providers shall utilize the standard report format adopted by the commission and provided by the ASAP.

A. Noncompliance reporting. When the offender has been deemed noncompliant by the case manager, that case manager, within five working days, shall notify in writing the referring court or agency and the offender. In the absence of court direction to the contrary, the offender shall be deemed noncompliant if:

1. The offender does not appear for the initial appointment;
2. The offender receives a subsequent DUI, felony, traffic or any other type of conviction which may be pertinent or relevant to the individual's probationary status;
3. The offender appears at a class, session or appointment while, or immediately after, using alcohol or other drugs;
4. The offender is absent from a class, session or appointment without approval of the case manager;
5. The offender refuses to attend or actively participate in assigned sessions;
6. The offender fails or refuses to pay appropriate fees, unless declared indigent by the court.

B. Absences. Unless otherwise directed by the court, absences from class or sessions shall be excused by the case manager under the following conditions:

1. Death in the immediate family. Immediate family includes spouse, parents (including in-laws),

children, guardians and siblings.

2. Medical absence with written statement from a doctor.

3. Any emergency which is either verified or approved by the local case manager, such as a medical absence where there is no written statement from a doctor.

All excused absences shall be approved in advance except where time or circumstances make it impractical. The case manager shall document all offender absences from class or sessions, including specific reasons for the absence. The documentation shall be a part of the offender's case file. ASAPs shall make available a written copy of policies on absences to all contract service providers and offenders.

C. Reports from service providers. ASAPs shall require at least the following reports in the adopted format from service providers:

1. Written notice of receipt of referred offender within five working days of initial contact with offender.

2. A tentative outline of the treatment plan within 15 days of the intake session in those instances where offender was placed in treatment.

3. Written notice within 10 working days of any change in the offender's treatment plan.

4. Verbal notice by the next working day, and written notice within five working days, when the offender is in violation of any section of ASAP's or the service provider's agreement to participate.

5. Upon written request for specific reports to a service provider, the case manager shall receive a written response within 10 days.

6. ASAPs shall require written reports according to the following schedule for each offender:

a. Education - a final report.

b. Intensive education - interim and final report.

c. Treatment - initial treatment plan within 15 days of intake, a progress report within 60 days of intake and every 90 days thereafter, and final report within 15 days of discharge.

These reports shall become a part of the offender's case file; other reports may be included.

D. Reports to service provider. The local ASAP shall submit at least the following reports to service providers:

1. Written notice of referral.
2. Summary of offender's alcohol or other drug history to service provider.
3. Written notice of all terminations for noncompliance, transfer and, when excused, absence prior to next scheduled class.

In the event of a written request for offender information from a service provider, the case manager shall respond in writing within 10 days of request.

E. Progress and final reports. Progress and final reports shall be submitted by the case manager in keeping with the following:

1. As directed by the court or referring agency, a progress report shall be furnished within five working days.
2. Final reports for court shall be due according to court requirements and specifications. Copies of court or final reports submitted on each offender shall be placed in the appropriate offender's case file for retention according to the approved Records Management Plan.

F. Improper service provider activity. Case managers shall make a written report to the ASAP director within two working days of any improper activity regarding the service provider. Improper activity shall include reports which do not conform to the agreed format and required time schedule.

#### Statutory Authority

§§ 18.2-271.1 and 18.2-271.2 of the Code of Virginia.

#### Historical Notes

Derived from VR647-01-03 § 2.13, eff. September 13, 1989; amended, Virginia Register Volume 7, Issue 9, eff. February 28, 1991.

#### **24VAC35-30-160. Transfer procedures and documentation.**

ASAPs shall not retain offenders who reside outside of or not employed in their service area. In a rate instance, an offender may request not to be transferred. Such request shall be in writing and kept in the offender file. When transfers occur prior to enrollment, no fee shall be collected by the originating ASAP unless otherwise directed by the court of referral.

When transfers occur after enrollment, the entire ASAP fee (minus state portion, if paid to the state) shall be transferred. A lesser amount may be agreed upon by the originating and receiving ASAPs.

Interstate or intrastate transfers of offenders shall be accomplished as provided below.

Receipt of Interstate Transfers. Offenders transferred into the VASAP system will be referred through one of three procedures; (i) petitioning the general district court within the jurisdiction where they reside; (ii) direct referral under the authority of the Interstate Compact Agreement; or (iii) other procedures approved by the Commission on VASAP.

1. Petition. Offenders convicted in another state and requiring VASAP to stop revocation of their operator's license in Virginia, must request VASAP probation through the petition process. This is of special importance to those offenders convicted in states which are members of the Interstate Violator Compact.

2. Direct referral. Offenders who have been convicted in another state and whose operator's license is not subject to revocation or suspension action, or whose license status will not be affected by VASAP involvement, may be referred directly into the VASAP system under the Interstate Compact Agreement. Each referral must be supported by formal documents from the sending state verifying the action taken by the sentencing court.

The following case management procedures and documents shall be used in conjunction with the transfer requirements referred to in Transfer Policy, VASAP Policy and Procedure Manual (24VAC35-10-10 et seq.):

1. File Documentation for transfers.

a. Interstate transfer (transfer to agencies outside of Virginia).

(1) Minimum file documentation necessary for transfer of offender prior to ASAP intake shall be as follows:

(a) Transfer form.

(b) Court document ordering or requiring participation.

(c) Case summary information.

(d) Arrest information (if available).

(2) Minimum file documentation necessary for transfer after initial session of when offender is actively involved in ASAP shall be as follows:

(a) Transfer form.

(b) Court document ordering or requiring participation.

- (c) Case summary information.
  - (d) Arrest information (if available).
  - (e) Classification summary information and results of testing instrument used.
  - (f) Copy of questionnaire completed by offender revealing alcohol or other drug use or general information.
  - (g) Progress report on offender (if available).
- b. Interstate transfers (transfer from agencies outside of Virginia).
- (1) Minimum documentation necessary for transfer from the originating ASAP to other out-of-state agencies shall be as follows:
    - (a) Letter of transmittal including specific reporting needs of the ASAP.
    - (b) Interstate DUI Transfer Form.
    - (c) Properly-completed consent for release of information.
    - (d) Court document ordering ASAP participation.
    - (e) Arrest information and other alcohol or drug use information (as available).
  - (2) Procedures for ASAP receiving transfers. The ASAP receiving a transferred offender shall have the following responsibilities with respect to the originating ASAP and other states or agencies:
    - (a) Intrastate transfers.
      - (1) Within 10 days of receipt of transfer case, the ASAP shall complete and return Part I of the transfer form.
      - (2) Upon classification, the ASAP shall complete and return Part II of the transfer form.
      - (3) The report form shall be used to forward the report, after return of Parts I and II of the Transfer Form, when such reports are requested by the originating ASAP.
      - (4) The report form shall be used to notify the originating ASAP within 30 days of the successful completion and within five days of noncompliance by the offender.
    - (b) Interstate transfers.
      - (1) After receipt of the transfer case, the ASAP shall return notification of enrollment if

requested by the originating state or agency.

(2) Upon classification, the ASAP shall return notification of the education or treatment assignment.

(3) The report form shall be used to forward reports, unless other forms are provided by the out-of-state agency, when such reports are requested by the originating state or agency.

(4) The originating state or agency shall be notified within 30 days of the successful completion by the offender.

#### Statutory Authority

§§ 18.2-271.1 and 18.2-271.2 of the Code of Virginia.

#### Historical Notes

Derived from VR647-01-03 § 2.14, eff. September 13, 1989; amended, Virginia Register Volume 7, Issue 9, eff. February 28, 1991.

#### FORMS (24VAC35-30)

Treatment Agency Report, VAS-10 (1/91).

Consent for the Release of Confidential Information, VASAP-34 (Rev. 7/90).

Financial Report.

Request for Deficit Funding.

Proposed Standard Treatment Services Agreement.

Transfer Sheet, VASAP-33 (Rev. 10/89).

Report Form, VASAP-42 (Rev. 10/89).

Certification Review Instrument/Certification Questionnaire Score Sheet.

Certification Report.

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