## Repeal of IDAPA 16.06.08 Rules and Minimum Standards for DUI Evaluators and Revision of Idaho Misdemeanor Criminal Rule 9.4

## **Frequently Asked Questions**

**Question:** If I become a state approved program to conduct DUI evaluations will I need to also become a contracted BPA SUD network provider?

**Answer:** DUI evaluation programs will not need to contract with BPA as a SUD network provider. BPA will not participate in the referral, authorization, clinical review, or claims adjudication processes.

**Question:** Will I need to conduct a GAIN-I assessment as a required tool of the DUI evaluation process?

Answer: Per the proposed changes to Idaho Misdemeanor Criminal Rule 9.4, the required assessment tools include the GAIN Short Screener (GAIN-SS), the Level of Service Inventory- Revised: Screening Version (LSI-R SV), and any other state approved drugalcohol screening tool. The GAIN-I is not a required assessment tool for a DUI evaluation. The GAIN-I may be required if the evaluator recommends further assessment and evaluation which would be completed by the treatment facility that the client was referred to.

**Question:** If state approved facilities and programs can conduct DUI evaluations, won't there be ethical issues with those providers referring clients into their own programs?

Answer: This issue is addressed in Idaho Code section 18-8005 (11), "If treatment is ordered, in no event shall the person or facility doing the evaluation be the person or facility that provides the treatment unless this requirement is waived by the sentencing court, with the exception of federally recognized Indian tribes or federal military installations, where diagnosis and treatment are appropriate and available". The sentencing court has the authority to waive this requirement. Otherwise, evaluators are required to refer to an outside treatment person or facility.

**Question:** Will drug and alcohol abuse educational services no longer be allowed as a recommended level of care?

**Answer:** Drug and alcohol abuse educational services are part of the continuum of services for clients with substance use disorders. However, research indicates that educational services are not an effective intervention for clients that have moderate to high criminogenic risks/needs. Educational services do not provide the specific cognitive skills

training needed to help these clients recognize errors in judgment that lead to substance abuse and criminal behavior. DUI evaluators are expected to match recommended interventions to fit the needs of the client.