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To: Area Administrators / Human Services Area Coordinators
Bureau Directors / Program Office Directors / Section Chiefs
County Departments of Community Programs Directors
County Departments of Developmental Disabilities Services Directors
County Departments of Human Services Directors
County Departments of Social Services Directors
Tribal Chairpersons / Human Services Facilitators

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Tribal Treatment Facility Participation in the Intoxicated Driver Program (IDP)

This memo describes the Department's process for implementing [2013 Wisconsin Act 246](#), tribal treatment facility participation in the intoxicated driver program.

2013 Wisconsin Act 246

[2013 Wisconsin Act 246](#), Tribal treatment facility participation in the intoxicated driver program became effective on April 10, 2014. The act created [§ 51.45\(7\)\(h\)](#), which directs the Department of Health Services (DHS) to authorize approved tribal treatment facilities to conduct assessments under [§ 343.30\(1q\)\(c\)](#) and prepare driver safety plans under [§ 343.30\(1q\)\(d\)](#) if, with regard to each person for whom the approved tribal treatment facility conducts an assessment under [§ 343.30\(1q\)\(c\)](#), the approved tribal treatment facility agrees in writing to do all of the following:

1. *Notify the county assessment agency identified in the order under [§ 343.30\(1q\)\(c\)1](#) within 72 hours that the approved tribal treatment facility has been contacted for the assessment.* Tribal treatment facilities that are approved to participate in the intoxicated driver program (IDP) are required to notify the county designated assessment facility within 72 hours of being contacted by a tribal member or a family member of a tribal member that they are scheduled for an IDP assessment at the tribal treatment facility.
2. *Execute all duties of an approved public treatment facility under [§ 343.30\(1q\)](#) and rules promulgated under [§ 343.30\(1q\)](#).* Tribal treatment facilities that are approved to participate in the IDP assessment program will comply with Wis. Admin. Code [§ DHS 62](#) requirements.

In addition, [2013 Wisconsin Act 246](#) enacted the following:

1. *Courts are directed to include in the assessment order a statement that if the person is a member or the relative of a member of a federally recognized American Indian tribe or band, the person may receive the assessment required under this subdivision from an approved tribal treatment facility as defined in [§ 51.01\(2c\)](#). The “Court Order for Intoxicated Driver Assessment and Driver Safety Plan” is a Department of Transportation (DOT) form, so DOT will add this statement to its form.*
2. *Conflict of Interest guidelines may not preclude an approved tribal treatment facility, as defined in [§ 51.01\(2c\)](#), from conducting assessments and providing treatment for intoxicated drivers.*
3. *If the driver safety plan requires treatment at an approved tribal treatment facility, as defined in [§ 51.01\(2c\)](#), the plan may include traditional tribal treatment modes.*
4. *Requires the approved tribal treatment facility under [§ 51.45\(7\)\(h\)](#) to notify the department of transportation, in a manner prescribed by the department, and the person of the person’s compliance or noncompliance with assessment and treatment. The Department of Transportation will provide all necessary training on its data system.*
5. *Allows an accredited institution of higher education operated by a federally recognized American Indian tribe or band in this state to offer a traffic safety school. DOT and Wisconsin Technical College System administer traffic safety courses, including Group Dynamics and Multiple Offender Programs.*
6. *Requires that, if a person receives treatment from an approved tribal treatment facility, as defined in [§ 51.01\(2c\)](#), in accordance with a driver safety plan under [§ 343.30\(1q\)\(d\)](#), the county treasurer shall transmit the amount collected from the person’s driver improvement surcharge except the amounts that the treasurer is required to transmit to the secretary of administration under [§ 346.655\(2\)\(a\) or \(b\)](#), to the facility for treatment services for drivers referred through assessment. The Wisconsin Courts System is working on its data system to identify payments made to the Clerk of Courts by tribal members.*
7. *Makes tribal treatment facilities eligible to apply for IDP supplemental funds. The IDP Supplemental/Emergency application is usually available in October or November of each year.*

Implementation of 2013 Wisconsin Act 246

The Department of Health Services is only one agency that is in the process of implementing [2013 Wisconsin Act 246](#). An [application](#) for a tribal treatment facility to apply for approval to be an IDP assessment facility has been sent to all tribal treatment agencies. Current certification pursuant to Wis. Admin. Code [§§ DHS 75.13](#) or [DHS 75.16](#) is required. As a tribal treatment facility is approved to provide IDP assessments, contact information will be added to the [IDP Directory listing](#). County IDP assessment agencies are advised to be aware that clients who are members of a federally-recognized Native American tribe or band are eligible to receive their IDP assessments at approved tribal treatment facilities. Once the designated IDP assessment facility in the client’s county of residence is notified that the tribal member or a relative of a tribal member has scheduled an appointment for an IDP assessment

at the tribal treatment facility, the designated assessment facility is no longer responsible for tracking that client. All subsequent follow-up and reporting to the Department of Transportation will be the responsibility of the tribal treatment facility.

Intoxicated Driver Program Assessor Training is planned for the week of August 25, 2014, to provide training to tribal treatment facility staff.

The Department of Transportation is working to modify its data system to accommodate additional assessment agencies and has targeted early September 2014 for implementation.

DHS intends to propose changes to incorporate [2013 Wisconsin Act 246](#) language into [§ DHS 62](#), *Assessment of Drivers with Alcohol or Controlled Substance Problems*. DHS anticipates that amendment of Wis. Admin. Code may take up to 2 years; however, [2013 Wisconsin Act 246](#) allows for immediate implementation.

It is anticipated that tribes approved to participate in the Intoxicated Driver Program will begin providing IDP assessments in September 2014.

For additional information and questions regarding this memo:

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