

# State of New Hampshire

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COMMISSIONER OF SAFETY



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## DEPARTMENT OF SAFETY BUREAU OF HEARINGS

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Speech/Hearing Impaired

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NH Email [Safety-Hearings@dos.nh.gov](mailto:Safety-Hearings@dos.nh.gov)

RE: Petition for Waiver of Attendance to a New Hampshire Alcohol or Drug Program

Reference to your petition requesting that the alcohol education program in your present state of residence be substituted for the New Hampshire Impaired Driver Intervention Program that was either ordered by the New Hampshire Court where you were convicted, and/or by the New Hampshire Department of Safety. Attached, please find a form letter addressing in great detail the requirements of New Hampshire law for persons that now reside outside the State of New Hampshire and wish to waive their attendance at a New Hampshire based alcohol education program, as applicable, and to petition for a comparable course in the State of their residence under New Hampshire law.

Please take the time to read carefully the information attached. It may well be that you will need to speak to an attorney of your own choice for clarification. The information is of a legal nature and is being provided in sufficient detail so that you have an understanding of the requirements. After having reviewed the information, you may make the decision to seek review or to determine if it would be more applicable for you to apply to complete a program as ordered by the New Hampshire Court where you were convicted, or the New Hampshire Department of Safety. I hope that the information is helpful to you.

NH RSA 265-A:42 Attendance at Impaired Driver Intervention Program Required, in part, says the New Hampshire Division of Motor vehicles shall not restore the license or driving privilege of any person whose license or privilege has been revoked pursuant to RSA 265-A:2, or RSA 265-A:3 until such person has furnished proof of successful completion of an impaired driver intervention program (IDIP) or Multiple Offender Program (MOP) which is approved by the commissioner of the department of health and human services and the commissioner of safety pursuant to RSA 265-A:39 and RSA 265-A:40.

**"Successful completion"** means meeting further counseling requirements, if any, arising out of the final evaluation given to the offender at the IDIP or the MOP or its equivalent; provided, however, that the offender shall have the right to a hearing before the New Hampshire Commissioner or Designee, who shall determine whether the further counseling requirements arising out of the final evaluation are warranted and appropriate, and whether the offender should be eligible for license restoration.

The following information is essential for review. Any other information you wish to submit such as letters of support, etc. may be forwarded, but are in addition to the documentation listed below.

1. **You must** provide a certified copy of your motor vehicle record from the state where you now reside, and from all states where you have resided since convicted of the offense leading to your petition for a non New Hampshire program.
2. **You must** provide a sworn statement containing responses to the following questions:
  - a. Have you been convicted of any motor vehicle charges in any other state since the underlying conviction(s) in New Hampshire? (*Explain with specific details any affirmative response*)
  - b. Have you been arrested of any motor vehicle violations in any state during your period of revocation?
  - c. Have you paid all your court fines?
  - d. If applicable, have you cleared all court defaults?
  - e. Submit any further documents that you wish to forward showing that you comply with all applicable statutes and rules and information that would reflect that you would no longer be a hazard to neither the public safety nor an improper person to hold a license.
3. **The Program must** provide a copy of the following:

- a. Out-of State Program's curriculum;
  - b. The Program shall forward directly to this agency evidence that the course is a State approved program as accepted by your present state of residence; in addition, the Program is authorized to conduct a course for persons convicted of a first offense, aggravated offense, second offense, subsequent offense, etc. For a reference to New Hampshire law RSA 265-A:18, the law reference is sited on the web by going to: <http://www.gencourt.state.nh.us/rsa/html/XXI/265-A/265-A-18.htm>).
  - c. That there is an authorized alcohol/drug counselor evaluation conducted at an exit interview under recognized national standards;
  - d. That if not having successfully completed the course due to necessary aftercare counseling, what course of action has been planned;
  - e. That notification shall be submitted in your behalf of both successful or non-successful completion to New Hampshire and your state DMV;
  - f. Documentation that the named petitioner is in compliance with all applicable statutes and rules and information that would reflect that the petitioner would no longer be a hazard to neither the public safety, nor an improper person to hold a license.
4. In addition to the above, before reply, you and your program provider shall review and be familiar with the information listed below listed as New Hampshire Administrative Rule, He-A 707.12; 707.13; 707.14; 707.15; and, 707.16. (to review the statutes and rules you may go to: <http://www.nh.gov/government/laws.html>).
5. All statements (within #2), **shall be signed by you**. The authorized program evaluator (within #3), **must return original documents** which shall be documented by seal and signed before a Notary Public/Justice of the Peace. The driving records from your State(s) of residence, except New Hampshire, must be certified with the Seal of each State.

The New Hampshire Multiple Offender and Aggravated Offender Programs are

**Amethyst Foundation**  
 120 Hedding Road  
 Epping NH 03042  
 Phone #603-679-2100  
 Fax #603-679-5869

**South Eastern NH Alcohol and Drug Abuse Services** 272  
 County Farm Road  
 Dover NH 03820  
 Phone #603-516-8160  
 Fax #603-749-3983

**NCA- Greater Manchester Area**  
 Serenity House  
 93-101 Manchester Street  
 Manchester NH 03105  
 Phone #603-625-4528  
 Fax #603-626-6982

**Tri-County Community Action Program TRI-CAP**  
 PO Box 659  
 361 School Street  
 Berlin NH 03570  
 Phone #603-752-7941  
 Fax #603-752-7832

Until you have received written notification of restoration of your driving privilege, you shall not drive a motor vehicle in New Hampshire. Your privilege to operate a motor vehicle in any state is dependent on holding a valid drivers license and having no suspension or revocation actions against you. If you have any questions regarding this process, please contact this agency at the number listed above. Questions of a legal nature that you may have, should be referred to an attorney at law of your own choice.

#### He-A 707.12 [Exit Evaluation and Assessment Interview.](#)

(a) Following completion of all the required sessions, a LADC shall conduct an exit evaluation and assessment interview with each client, scheduled in accordance with the time frames specified below:

- (1) The IDIP or WIDIP shall provide the client with an opportunity to complete the exit evaluation and assessment interview within 15 business days of the last session;
- (2) If the client does not complete the exit evaluation and assessment interview within 3 months following the date of the last session, the client shall be required to submit to the provider an alcohol and drug abuse dependency evaluation that conforms to the requirements of the second opinion evaluation outlined in He-A 707.15(b)-(f) before the exit evaluation and assessment interview shall be conducted; and
- (3) If the client does not complete the exit evaluation and assessment interview within one year following the date of the last session, the client's file shall be closed, pursuant to He-A 707.18, and the client shall be required to restart and complete the entire program, and pay all applicable fees.

(b) The exit evaluation and assessment interview shall:

- (1) Be a personal, individual interview performed by a LADC employed by the IDIP or WIDIP;
- (2) Be at least one hour in length;
- (3) Follow and be separate from the class sessions;
- (4) Include discussion of the objective diagnostic instruments and the interpretation of the client's scores;
- (5) Include discussion of all substance abuse and dependence indicators presented by the client including the results of the diagnostic instruments in (b)(4);
- (6) Include the LADC's assessment of the client's involvement with alcohol and other drugs; and
- (7) Include either a positive or a negative finding for alcohol or other drug abuse and/or dependence and indicate if there is a need for further evaluation or counseling.

(c) The LADC conducting the exit evaluation and assessment interview shall issue a positive finding, thus overcoming the presumption of successful completion described in He-A 704.05(a), if any of the following exists:

- (1) The client's diagnostic test scores indicate alcohol or drug abuse or dependence, as follows:
  - a. The client's DRI-II alcohol or drug scale score is at the 60th percentile or greater;
  - b. The client's DRI-II truthfulness scale score is at the 90th percentile or greater; or
  - c. The client's RIASI score is 10 or greater;
- (2) The client is age 21 or over and had a blood alcohol concentration (BAC) of 0.16 or higher at the time of arrest;
- (3) The client has 2 or more alcohol or drug-related motor vehicle arrests or convictions;
- (4) The client is under the age of 21 and had a BAC of 0.08 or higher at the time of arrest; or
- (5) The client meets diagnostic criteria for alcohol or other substance abuse and/or dependence in accordance with the most recent version of the Diagnostic and Statistical Manual for Mental Disorder (currently the DSM-IV).

(d) The LADC conducting the exit evaluation and assessment interview shall issue a negative finding if none of the factors described in (c) exists. The LADC, after conferring with the program director, shall also issue a negative finding when factors in (c) exist but in the judgment of both the LADC and the program director a positive finding is clinically contraindicated.

(e) If there is a negative finding, the LADC shall:

- (1) Complete Form IDIP-021, program completion report, by including:
  - a. The facility code;
  - b. The class section where the client was assigned;
  - c. The last four digits of the client's Social Security number;
  - d. The client's name;
  - e. The client's initials;
  - f. The client's mailing address;
  - g. The client's date of birth;
  - h. The court where the client was convicted;
  - i. The court docket number;
  - j. The date of conviction;
  - k. The date of the client's arrest;
  - l. The program enrollment date;
  - m. The completion and recommendation status;

- n. The signature of the LADC conducting the exit evaluation and assessment interview;
  - o. The date of the exit evaluation and assessment;
  - p. The date aftercare was completed;
  - q. The agency name or LADC providing aftercare; and
  - r. The dated signature of the LADC completing the bottom of the form;
- (2) Send a copy of the completed Form IDIP-021, program completion report, to the department of safety, the convicting court, and the department within 5 business days of the exit evaluation and assessment interview; and
- (3) Complete and send a copy of Form IDIP-011, client profile, to the department, indicating that the client completed the IDIP or WIDIP program.
- (f) If there is a positive finding, the LADC shall refer the client for further counseling, pursuant to He-A 707.13, and inform the client as to the reason for the referral.
- (g) If there is a positive finding and the client does not accept the finding or the further counseling requirements, he or she may:
- (1) Request a second opinion evaluation, pursuant to He-A 707.15; and
  - (2) Act on his or her right to an alcohol program completion hearing before the department of safety, pursuant to RSA 265-A:42 and Saf-C 204.20.

**He-A 707.13 Referral for Further Counseling.** In cases when there is a positive finding for alcohol or other drug abuse and/or dependence and the client is referred for further counseling, the following shall occur.

- (a) The LADC conducting the exit interview shall:
- (1) Develop a preliminary treatment plan that outlines the method and duration of aftercare that the client shall undertake, and shall discuss it with the client;
  - (2) Complete Form IDIP-022, further counseling referral recommendations report, by including:
    - a. The client's name;
    - b. The client's address
    - c. The client's date of birth;
    - d. The date of the client's enrollment;
    - e. The date of the client's referral;
    - f. The client's BAC at the time of arrest, or an indication of the client's refusal of consent;
    - g. The client's scores on the DRI-II and RIASI diagnostic instruments;
    - h. The client's number of DWI convictions;
    - i. An assessment of the client's problem and needs area(s);
    - j. A brief client history and background;
    - k. A description of the client's drinking and drug use patterns;
    - l. A preliminary treatment plan;
    - m. Any additional comments;
    - n. The client's response; and
    - o. The dated signature of the LADC completing the form;
  - (3) Have the client sign and date Form IDIP-022, further counseling referral recommendations report;
  - (4) Inform the client of the minimum certification/licensure requirements an aftercare provider must hold in order to provide approved aftercare services, as follows:
    - a. Outpatient counseling with a New Hampshire LADC, or an International Certification and Reciprocity Consortium (IC&RC) reciprocal level counselor;
    - b. Outpatient counseling with a person working towards licensure as a New Hampshire LADC and who has passed the written examination required by the New Hampshire board of licensed alcohol and other drug abuse professionals and is under the direct supervision of a New Hampshire LADC; and
    - c. A licensed psychologist with a certificate from the American Psychological Association for the treatment of alcohol and other psychoactive substance abuse disorders;
  - (5) Inform the client of the approved aftercare treatment/evaluation services available, including:
    - a. Prescribed alcohol and drug abuse self-help groups;
    - b. Prescribed intensive outpatient or residential treatment services; and
    - c. Outpatient counseling per the certification/licensure requirements listed in (3);
  - (6) Provide the client with a list of referrals, which shall be aftercare providers that have met the requirements in (a)(4)-(5);
  - (7) Inform the client of the various counseling options available to the client, as described in (b) through (d);
  - (8) Complete Form IDIP-011, client profile, by including:
    - a. The LADC's treatment recommendations;
    - b. The LADC's dated signature; and
    - c. The date upon which the exit evaluation and assessment interview was completed; and

- (9) Complete Form IDIP-033, further counseling report notification, by including:
  - a. The client's name, address, and date of birth;
  - b. The date of the client's exit evaluation and assessment interview; and
  - c. The LADC's dated signature.

(b) If the client chooses to receive aftercare from the same provider that provided the client with IDIP or WIDIP services, if the provider has this service available, then:

- (1) The client shall read and complete Form IDIP-032, waiver of alternative provider for further counseling requirements, by including:
  - a. The client's name; and
  - b. The client's dated signature;
- (2) The aftercare LADC shall sign and date Form IDIP-032, waiver of alternative provider for further counseling requirements;
- (3) The client shall read and complete Form IDIP-020, consent for the release of treatment information, by including:
  - a. The client's name;
  - b. The aftercare agency name and address; and
  - d. The client's dated signature;
- (4) The aftercare LADC shall sign and date Form IDIP-020, consent for the release of treatment information; and
- (5) The client shall not receive aftercare directly from the LADC that conducted his or her exit evaluation and assessment interview.

(c) If the client chooses to receive aftercare from an aftercare provider that did not provide the client with IDIP or WIDIP services, then the client shall complete and the aftercare LADC shall sign and date Form IDIP-020, consent for the release of treatment information, described in (b)(3)-(4) above.

(d) If the client chooses to receive aftercare from an aftercare provider outside of the State of New Hampshire, that client shall receive aftercare from an IC&RC reciprocal aftercare provider in that state. If there is no IC&RC reciprocal aftercare provider in that state, then the client may receive aftercare from an aftercare provider that is approved by that state for the purposes of license reinstatement subsequent to an alcohol or drug DWI conviction.

(e) Within 5 business days of the exit evaluation and assessment interview, the IDIP or WIDIP provider shall forward:

- (1) Form IDIP-033, further counseling report notification, to the department of safety;
- (2) Form IDIP-022, further counseling referral recommendations report, to the convicting court; and
- (3) Form IDIP-011, client profile, to the department.

#### He-A 707.14 Substantial Compliance with Further Counseling Requirements.

(a) Substantial compliance with further counseling requirements shall include the following:

- (1) The client shall begin fulfilling the further counseling requirements within 3 months from the date of the exit evaluation and assessment interview; and
- (2) The client shall pay all costs associated with the further counseling requirements.

(b) The IDIP or WIDIP shall obtain documentation of the client's compliance with the further counseling requirement, as follows:

- (1) If the client is receiving counseling, the aftercare provider shall submit to the IDIP or WIDIP a final summary report indicating the client's compliance with the further counseling requirement and including an assessment of the client's level of risk to recidivate; or
- (2) If the client is attending a self-help organization, the client shall provide documentation of attendance and written reports of each meeting, which shall include the subject covered, the client's reaction to the meeting, and how the meeting applied to the client.

(c) Upon receiving complete documentation of a client's compliance with the further counseling requirement, the IDIP or WIDIP provider shall forward within 5 business days a copy of Form IDIP-021, program completion report, to the department, the court of conviction, and the department of safety.

#### He-A 707.15 Second Opinion Evaluation and Assessment.

(a) If the client disagrees with the positive finding or the further counseling requirements, as determined by the client's exit evaluation and assessment interview, the client may request a second opinion evaluation and assessment.

(b) A second opinion evaluation and assessment shall be completed by a different LADC than the one who conducted the client's exit evaluation and assessment interview or by another provider that has met the requirements of He-A 707.13(a)(4)-(5).

(c) The client shall pay all costs associated with obtaining a second opinion evaluation.

(d) The client who requests a second opinion shall sign Form IDIP-020, consent for the release of treatment information, to allow the IDIP or WIDIP provider to forward all clinical data to the LADC, or other provider that has met the requirements of He-A 707.13(a)(4)-(5), conducting the second opinion evaluation.

(e) The IDIP or WIDIP shall forward clinical data to the LADC, or other provider that has met the requirements of He-A 707.13(a)(4)-(5), conducting the second opinion evaluation within 5 days of receiving Form IDIP-020.

(f) The LADC, or other provider that has met the requirements of He-A 707.13(a)(4)-(5), rendering the second opinion shall:

- (1) Review all the clinical data including testing done by the IDIP or WIDIP regarding the client prior to conducting the evaluation;
- (2) Meet with the client for no fewer than 3 and no more than 5 clinical hours; and
- (3) Complete a written report of the second opinion evaluation and assessment, including, but not limited to:
  - a. An acknowledgment of the receipt and review of the IDIP or WIDIP clinical data;
  - b. The dates and duration of all client contact occurring in the course of the evaluation;
  - c. A biopsychosocial history of the client;
  - d. A substance abuse history of the client;
  - e. A legal history of the client;
  - f. A medical history of the client;
  - g. A family substance abuse history;
  - h. The relevant psychiatric history of the client;
  - i. The relevant medication history of the client;
  - j. The client's current substance use/abuse dependency status;
  - k. The client's history of self-help attendance or involvement, if applicable;
  - l. The client's history of any prior treatment for alcohol or substance abuse;
  - m. A summary of the client's level of participation and motivation;
  - n. An identification and results summary of all diagnostic instruments utilized in the course of conducting the evaluation;
  - o. An assessment of client's current risk level to recidivate; and
  - p. Further counseling and treatment recommendations for the client, if applicable; and
- (4) Forward the report in (3) to the IDIP or WIDIP program director.

(g) Upon receipt of the second opinion evaluation report from the LADC, or other provider that has met the requirements of He-A 707.13(a)(4)-(5), the program director and the LADC exit evaluator shall review the findings of both the original exit evaluation and assessment interview and the second opinion evaluation.

(h) If there is information missing from the second opinion evaluation report, the program director shall obtain the missing information from the provider who rendered the second opinion evaluation.

(i) If the results of the second opinion evaluation agree with the positive finding and the further counseling requirement of the original exit evaluation and assessment interview, the program director shall inform the client of his or her need to comply with the original further counseling requirement or act upon his or her right to a hearing before the department of safety, pursuant to RSA 265-A:42 and Saf-C 204.20.

(j) If the results of the second opinion evaluation do not agree with the positive finding of the original exit evaluation and assessment interview, the program director and the LADC exit evaluator shall:

- (1) Accept the second opinion evaluation as is and change the original further counseling requirements to coincide with the second opinion if new information is presented or previously existing information is clarified to indicate a different clinical finding;
- (2) Communicate with the LADC, or other provider that has met the requirements of He-A 707.13(a)(4)-(5), that rendered the second opinion in order to address any new information or clarification of existing information and modify the original further counseling requirements accordingly; or
- (3) Reject the second opinion evaluation if no new information or clarification of existing information has been received and maintain the client's need to comply with the original further counseling requirements.

(k) If, after reviewing the second opinion evaluation report, the program director finds that the client needs to comply with the original or modified further counseling requirements, the program director shall so inform the client.

(l) If, after reviewing the second opinion evaluation report, the program director finds that the client does not need further counseling, the program director shall so inform the client and shall send Form IDIP-021, program completion report, to the department of safety within 5 days of receiving the second opinion evaluation.

#### [He-A 707.16 Alcohol Program Completion Hearing.](#)

(a) A client may request a hearing with the department of safety, pursuant to RSA 265-A:42 and Saf-C 204.20, in order to rebut the finding and/or the further counseling requirements as determined at the client's exit evaluation and assessment interview.

(b) At the alcohol program completion hearing conducted in accordance with Saf-C 204.20 and RSA 265-A:42, V, the IDIP or WIDIP shall have the burden of proving that the client has not successfully completed the program.