

DEPARTMENT OF ALCOHOL AND DRUG PROGRAMS

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DATE: October 10, 2012

DUI Letter No. 12-07

TO: County Alcohol and Drug Program Administrators
Licensed Driving-Under-the-Influence (DUI) Program Providers
County DUI Coordinators

SUBJECT: TRANSFERS OF NON-ENROLLED (DISMISSED) PARTICIPANTS AND
ADMINISTRATIVE REFERRALS

REFERENCE: California Code of Regulations (CCR), Title 9, Division 4, Chapter 3, Sections
9878(g) and 9884, and Transfer Procedure for Non-Enrolled Participants (April
24, 2003).

The purpose of this letter is to provide clarification regarding the transfer of non-enrolled (dismissed) participants and administrative referrals.

On April 24, 2003, the Department issued transfer procedures for non-enrolled participants and administrative referrals. These procedures included forms to transfer non-enrolled participants and administrative referrals and instructions for using these forms. The procedures also included recommendation that programs assess no fees for these participants.

On April 21, 2012, amendments to Title 9 were enacted which included a list of the additional fees that programs may assess to participants. The list included the following fee:

“Transfer-Out (excluding transfer of non-enrolled participants and administrative referrals)”.

Approved transfer-out fees may be assessed exclusively for active participants who are transferred out in accordance with Title 9, Section 9884. The transfer procedures and forms for non-enrolled participants and administrative referrals are recommended for use by the Department in order to assist participants in completing their DUI program. Use of these forms has always been at the provider’s discretion and programs should not assess fees to non-enrolled participants based on the work associated with completing these forms.

The Department continues to support and commend those DUI programs choosing to assist non-enrolled participants in transferring on a courtesy basis. This practice demonstrates a program’s willingness to minimize barriers for participants choosing enrollment at a program more suitable to their needs. For those DUI programs that choose to collect fees for transferring non-enrolled participants, the following options are currently recommended:

Dismissed participants:

The Department does not accept the practice of programs re-enrolling participants with intent to transfer the participant once the enrollment fee is obtained. Programs with approved “reinstatement



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fees” have the option of assessing this fee for participants who wish to re-enroll and transfer. In this instance, the Department does not support assessing a subsequent “transfer fee”.

Administrative Referrals:

The Department does not support the practice of enrolling and assessing an enrollment fee for non-enrolled participants whose intent is to transfer at the time of enrollment. Again, use of the Department generated transfer form for transferring administrative referrals is not required. Should a program choose to utilize this form to assist a participant in transferring to a program that meets their needs, the objective is to provide this service as a courtesy.

If you have any questions regarding participant transfers, please contact your DUI Program Analyst or the Office of Criminal Justice Collaboration at (916) 445-7456.

Sincerely,

A handwritten signature in cursive script that reads "Millicent Tidwell".

MILLICENT TIDWELL
Deputy Director
Office of Criminal Justice Collaboration