

DRIVING-UNDER-THE-INFLUENCE (DUI) PRORGAM FEE CHANGES

Frequently Asked Questions

The following answers to frequently asked questions intend to provide licensed DUI programs with additional guidance and clarification regarding a general DUI program fee change request pursuant to [California Code of Regulations \(CCR\), Title 9, Chapter 3](#).

1. Can DUI programs charge fees that are not approved by DHCS?

No. In accordance with CCR, Title 9, Chapter 3, [§9878\(c\)](#), DUI programs shall charge only the program fee or any additional fee that has been approved by DHCS.

2. What are the additional services that a DUI program may charge for?

Except for participants who are eligible for a reduced fee of no more than \$5.00 per month as specified in [§ 9878\(f\)](#) the DUI program may only charge for the following additional services:

- Leave of Absence;
- Returned check (excluding bank charge);
- Missed Activity;
- Rescheduling;
- Transfer-Out (excluding transfer of non-enrolled participants and administrative referrals);
- Transfer-In;
- Reinstatement;
- Duplicate DL 101 (research);
- Late Payment Fee; and
- Alcohol/Drug Screening (positive result);

The DUI program shall provide justification in writing to DHCS for any additional service it proposes to charge pursuant to Section 9878(c). Such justification shall include the activity and time involved to perform the task, and the classification and hourly rate of pay for the staff performing the tasks.

3. Can DUI programs submit a fee change request directly to DHCS without first submitting the request to the county alcohol and drug program administrator?

No. The program must first submit a fee change request directly to the county alcohol and drug program administrator for review and recommendation to DHCS. However, pursuant to [§9878\(c\)\(3\)](#), the DUI program may submit the request directly to DHCS for approval if the county alcohol and drug program administrator fails to forward the request along with the recommendation to DHCS within 30 days of receipt of the request. In addition, pursuant to [§9878\(c\)\(4\)](#), DHCS has 30 days from receipt of the request to either approve or deny the requested program fee change. If the county alcohol and drug program administrator fails to forward the fee change, DHCS may act without the administrator's recommendation.

4. Can DHCS approve or deny a fee change request contrary to the recommendation made by the county alcohol and drug program administrator?

Yes. Pursuant to [§9878\(c\)\(4\)](#), if DHCS approves a fee change request that is contrary to the recommendation made by the county alcohol and drug program administrator, DHCS will address each of the county's objections in the approval letter. DHCS' decision will be based on the criteria specified in section [9878\(c\)\(1\)](#), ensuring a transparent and criteria-based evaluation process.

5. What are the required documents that must be submitted for a fee change request?

Pursuant to [§9878\(c\)\(1\)](#), the following documents are required to be submitted for review of a fee change request:

- A cover letter indicating the proposed program fee and the rationale for the change.
- A line item revenue and expenditure report for the prior fiscal year.
- A projected line item budget reflecting the proposed fee change for the next fiscal year.
- A breakdown of the proposed program fee by unit of service.
- A revised payment agreement that includes the proposed fee change.
- A standardized payment schedule in accordance with (d)(1) of this regulation.

6. What criteria does the county alcohol and drug program administrator use to approve or disapprove the request to change program fees?

Pursuant to [§9878\(c\)\(2\)\(a\)\(b\)\(c\)](#), the county alcohol and drug program administrator is required to review the request and, within 30 days of receipt, forward it to DHCS along with a recommendation to approve or disapprove the request to change program fees based on the following criteria:

- The DUI program's rationale for requesting the fee change, such as increases in staff salaries or rent, facility improvements, etc.
- The accuracy of the DUI program's representation of revenues and expenses provided, based on the county's last review and/or audit of the DUI program's records.
- Whether the proposed change results in exceeding the profit or surplus limit established by DHCS pursuant to [§9878\(o\)](#).

7. When there is a change in program fees, are DUI programs required to update and obtain approval from DHCS for the standardized payment schedule?

Yes. Pursuant to [§9878\(d\)](#), programs are required to establish and use a standardized payment schedule approved by DHCS. Additionally, when there is a change in program fees, the standardized payment schedule must be updated and submitted to DHCS for approval.

To determine each participant's assessed program fee and schedule for payment of fees, the standardized payment schedule shall specify:

- The program fee and additional fees, broken out by cost of unit of service.
- The monthly income level at which the DUI program shall require the participant to pay a maximum program fee of no more than \$5.00 per month, in accordance with [§9878\(f\)\(1\)](#).
- The monthly income level at which the DUI program shall allow the participant to extend payment of the program fee or shall reduce the participant's assessed program fee through one of the options described in [§9878\(f\)\(3\)](#).
- The option the DUI program has elected to use, in accordance with [§9878\(f\)\(3\)](#).
- A schedule for payment of fees, including the amount of down payment and the amount and frequency of payments required.
- A sample of the participant contract containing the terms and conditions for a fee assessment and a payment schedule.

8. When is the DUI program required to submit the standardized payment schedule to DHCS for review and approval?

The DUI program shall submit the standardized payment schedule to DHCS for review and approval prior to utilizing the payment schedule and when the DUI program modifies the standardized payment schedule. DHCS recommends that the DUI programs submit the fee change request with the request to approve the updated standardized payment schedule. Within 30 days of receiving the standardized Payment schedule, DHCS shall notify the DUI program that the standardized payment schedule was approved and the date of approval or notify the DUI program that the standardized payment schedule was not approved.

9. What does the DUI program need to document in the participant's file regarding fees?

The DUI program shall document the participant's assessed program fee and payment schedule in the participant contract signed at enrollment. The DUI program shall amend the contract to reflect any subsequent increase or decrease in the assessed program fee or the payment schedule.

10. Does a DUI program need to notify DHCS of the payment option it has chosen for participants whose monthly income exceeds the general assistance benefit level for the county but does not exceed 35 percent of the county's monthly median family income?

Yes, pursuant to [§ 9878\(f\)\(3\)](#) the DUI program shall elect to use either the extended payment option or the reduced fee option and shall use the option it has elected for all participants whose monthly income is greater than the general assistance benefit level for the county but equal to or less than 35 percent of the monthly median family income for the county. The DUI program shall notify DHCS in writing of which option it elects to use. A DUI program may change its election of an option any time. To do so the DUI program shall submit a written request for approval to DHCS at least 30 days prior to the effective date of a proposed change. In accordance with subdivision (d)(4) of this regulation, the DHCS shall review the request to determine that it complies with the requirements of this regulation. DHCS shall notify the DUI program, in writing, of its decision. The DUI program shall not implement the change until it receives DHCS approval.

11. Where may I find a list of licensed DUI program fees approved by DHCS?

A list of licensed DUI program fees approved by DHCS are located here: [DUI Program Fees](#). The list of fees is updated monthly.

12. Where do I submit DUI program fee change documentation and request technical assistance?

DUI program fee change documentation and technical assistance questions may be submitted by email at: DUIProviders@dhcs.ca.gov or to the program's assigned DUI analyst v