

DATE: November 7, 2023

Behavioral Health Information Notice No: 23-063

TO: California Alliance of Child and Family Services
California Association for Alcohol/Drug Educators
California Association of Alcohol & Drug Program Executives, Inc.
California Association of DUI Treatment Programs
California Association of Social Rehabilitation Agencies
California Consortium of Addiction Programs and Professionals
California Council of Community Behavioral Health Agencies
California Hospital Association
California Opioid Maintenance Providers
California State Association of Counties
Coalition of Alcohol and Drug Associations
County Behavioral Health Directors
County Behavioral Health Directors Association of California
County Drug & Alcohol Administrators

SUBJECT: Driving-Under-the-Influence (DUI) Programs: Legislative Authorization for Department of Health Care Services (DHCS) to Issue Regulations on Provision of Virtual Services in DUI Programs

PURPOSE: To summarize changes to Health and Safety Code Section 11836 made by Assembly Bill 118, effective July 10, 2023.

REFERENCES: [Assembly Bill 118](#) (Budget Act of 2023: Health); Health and Safety Code (HSC) [Section 11836](#); [Frequently Asked Questions \(FAQ\)](#) – DUI Virtual Services.

BACKGROUND:

Health and Safety Code (HSC) Section 11836 requires DHCS to license and perform compliance monitoring of all DUI programs in California. The objectives of the DUI program are to reduce the number of repeat DUI offenses by persons who complete a state-licensed DUI program; and to provide participants an opportunity to address problems related to the use of alcohol and/or other drugs.

During the COVID-19 public health emergency, DHCS began authorizing DUI programs to offer their services virtually. DHCS issued a [FAQ](#) for DUI virtual services that provides guidance to providers and other stakeholders. Currently, DUI virtual services continue to operate in accordance with this FAQ. On July 10, 2023, the Governor

November 7, 2023

signed Assembly Bill 118, which includes authorizes DHCS to issue regulations regarding the provision of DUI virtual services.

POLICY:

Assembly Bill 118 amended HSC Section 11836 to require DHCS to promulgate regulations, on or before January 1, 2026, governing DUI programs' provision of alcohol or drug recovery services (DUI services) in virtual settings. (HSC § 11836(e)(2).) Until DHCS promulgates these regulations, DHCS has the authority to implement, interpret, or make specific HSC Section 11836, as it applies to virtual services provided by DUI programs, by means of all-county letters, plan letters, information notices, or similar instructions. (HSC § 11836(e)(1).)

DHCS will issue a forthcoming BHIN delineating requirements for DUI programs' provision of services in virtual settings, providing guidance and clarification on the standards, policies, and requirements of virtual services until regulations are promulgated. Until then, DUI virtual services may continue to be offered virtually in accordance with the FAQ.

Please address all questions regarding this BHIN to the DUI Officer of the Day at duiproviders@dhcs.ca.gov.

Sincerely,

Original signed by

Janelle Ito-Orille, Chief
Licensing and Certification Division