

CHAPTER 7408
DEPARTMENT OF PUBLIC SAFETY
ALCOHOL ASSESSMENT REIMBURSEMENT

7408.0100 DEFINITIONS.
 7408.0200 ELIGIBILITY FOR REIMBURSEMENT.

7408.0300 REIMBURSEMENT CLAIMS.

7408.0100 DEFINITIONS.

Subpart 1. **Scope.** For purposes of this chapter, the terms defined in this part have the meanings given them.

Subp. 2. **Assessment.** "Assessment" means a process to determine the severity of the defendant's use of mood-altering chemicals in relation to operating a motor vehicle. This process consists of an interview between the assessor and the defendant, includes the use of a standardized screening instrument, and includes the assessor's recommendations for appropriate countermeasures to adequately address the identified problems.

Subp. 3. **Assessor.** "Assessor" means a person employed by or under contract with a county, who conducts assessments and assists judges in providing appropriate countermeasures for defendants.

Subp. 4. **Commissioner.** "Commissioner" means the commissioner of the Minnesota Department of Public Safety, acting directly or through an authorized officer and agent.

Subp. 5. **Defendant.** "Defendant" means the person who is the subject of an assessment under Minnesota Statutes, section 169.126.

Subp. 6. **Department.** "Department" means the Minnesota Department of Public Safety.

Statutory Authority: *MS s 169.124*

History: *11 SR 1741*

7408.0200 ELIGIBILITY FOR REIMBURSEMENT.

Subpart 1. **Reporting assessment and conviction.** A county is eligible for reimbursement from the department for conducting an assessment under Minnesota Statutes, section 169.124, only if the county makes an assessment report and sends to the department the results of the assessment and a copy of the certificate or notice of conviction.

Subp. 2. **Required assessment report information.** A county is eligible for reimbursement only if the assessment report contains:

- A. the defendant's full name, date of birth, and driver's license number;
 - B. the name of the county in which the assessment is held and the court case file number;
 - C. the date of the assessment and the date of the offense that is the subject of the assessment;
 - D. the blood alcohol concentration at the time of arrest, if known;
 - E. an identification of alcohol, drug, or health problems and the degree of the defendant's problem;
 - F. the assessor's recommendation for appropriate countermeasures to address the defendant's identified problems;
 - G. the final disposition of the case;
 - H. the name of the court-designated agency conducting the assessment;
 - I. the amount of time spent conducting the assessment and preparing the report;
- and
- J. the signature of the person conducting the assessment.

Subp. 3. **Report forms.** The department shall prepare forms for conducting assessments and shall supply the forms to counties upon request.

Subp. 4. **Conducting assessment.** In conducting an assessment, an assessor shall meet personally with the defendant to discuss the following and other similar items:

- A. the defendant's traffic record;
- B. the characteristics and history of the defendant's chemical use problems;
- C. the effect of the problem on the defendant's family, work, physical health, and emotional stability;
- D. the defendant's other legal involvement; and
- E. the defendant's amenability to rehabilitation.

The use of a standardized screening instrument is sufficient to show that the assessor has considered the factors listed in this subpart.

Subp. 5. Standardized screening instruments. Standardized screening instruments include:

- A. Court Procedures for Identification of Problem Drinkers (Mortimer-Filkins);
- B. Alcohol Use Inventory;
- C. Michigan Alcoholism Screening Test;
- D. Self-Administered Alcoholism Screening Test; and
- E. other recognized alcoholism screening tests.

Subp. 6. Qualifications of assessors. A county conducting an assessment as required by Minnesota Statutes, section 169.124, is eligible for reimbursement for that assessment only if the assessment is performed by a qualified person as defined in item A or B.

A. The person is qualified to perform an assessment by reason of the person's training or experience in the area of chemical use by showing that:

(1) the person is qualified to conduct alcohol problem assessments for the purpose of public reimbursement for treatment, or placement in a state facility, under standards adopted by the Department of Human Services;

(2) the person has completed at least 30 hours of classroom instruction on the subject of alcohol and drug use in relation to driving and has at least one year of work experience in evaluating, assessing, or counseling chemical users; or

(3) the person has completed 30 hours of classroom instruction on the subject of alcohol or drug use in relation to driving and is supervised by a person meeting the standards in subitem (1) or (2).

B. A person is qualified to conduct alcohol problem assessments if the person is certified by the court as a qualified assessor giving due consideration to item A.

A person qualified under item A or B remains qualified only if the person receives on an annual basis, eight hours of ongoing classroom or in-house training on the subject of alcohol or drug use in relation to driving.

Subp. 7. Waiver. If a county can reasonably demonstrate that subparts 4 and 6 would cause undue hardship to the county and that the overall alcohol problem assessment program would not be diminished, the commissioner shall waive the requirements of subparts 4 and 6.

Statutory Authority: *MS s 169.124*

History: *11 SR 1741*

7408.0300 REIMBURSEMENT CLAIMS.

Subpart 1. Forms. Claims for reimbursement for conducting assessments must be made on forms supplied by the department.

Subp. 2. Time for filing. Claims for reimbursement must be submitted within ten days after the end of the state fiscal year.

Subp. 3. Contents. Claims for reimbursement must contain:

- A. the number of assessments conducted by the county during the state fiscal year;
- B. a list of the persons who conducted the assessments, indicating those persons who are qualified assessors under part 7408.0200, subpart 6;

- C. the total cost of the assessments and the amount paid to the county by defendants for the assessments; and

- D. the signature of the authorized representative for the county certifying the amount of the claim.

Statutory Authority: *MS s 169.124*

History: *11 SR 1741*