

7503.2200 CHEMICAL ABUSE REVIEW PANEL.

Subpart 1. **Establishment and composition.** A chemical abuse review panel is established to review the type of chemical dependency treatment imposed by the commissioner or accepted by the commissioner. Members of the panel must be certified chemical dependency counselors or other health care professionals experienced in the area of chemical abuse and selected by the commissioner based on the recommendation of the Department of Human Services.

Subp. 2. **Procedure.** Applications for review by the chemical abuse review panel are governed by the following procedures:

A. A request for review by the chemical abuse review panel must be submitted to the commissioner in writing together with copies of the written materials the person wishes to have considered. This request may include a written request for copies of the materials submitted to the panel by the commissioner. No personal appearance will be granted before the chemical abuse review panel.

B. The commissioner shall submit the person's requests and materials to the chemical abuse review panel not more than 30 days from receipt of the request for review.

C. The commissioner may submit written materials for consideration by the chemical abuse review panel. These materials will be supplied to the applicant if requested.

D. Both parties have the right to submit additional written material for rebuttal until the review date.

E. On the review date, the written material submitted by both parties will be sent to the chemical abuse review panel.

F. After receiving the written materials, the chemical abuse review panel shall recommend an alternative form of chemical dependency treatment to the commissioner if the person establishes that the type of treatment or diagnosis is not appropriate or correct under the individual circumstances of that person's case. The chemical abuse review panel shall recommend to the commissioner that the type of treatment be changed only if the person establishes that the type of treatment or diagnosis is appropriate or correct under the individual circumstances of that person's case.

G. The chemical abuse review panel shall report its recommendations to the commissioner within 15 days of submission of the written materials by the commissioner.

H. The commissioner shall promptly report the recommendations of the chemical abuse review panel to the person. Under no circumstances may full driving privileges be granted. The commissioner shall decide whether to follow the recommendations of the panel and shall promptly report that decision together with a statement of reasons for the

decision to the person. Notice of the commissioner's decision must contain a statement describing the person's right to challenge the final decision in district court.

I. Not more than one review per year may be made available to a person, with a maximum of two reviews made available during an individual period of license cancellation.

Statutory Authority: *MS s 14.06; 169.128; 169A.75; 171.165; 299A.01*

History: *10 SR 1427; 15 SR 2406; 22 SR 1103; L 2000 c 478 art 2 s 7*

Published Electronically: *September 9, 2005*