

Approved February 29, 1988
Date

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY

The meeting was called to order by Senator Robert Frey at
Chairperson

10:00 a.m./~~pm~~ on February 25, 1988 in room 514-S of the Capitol.

All members ~~were~~ present ~~except~~: Senators Frey, Hoferer, Feleciano, Burke, Gaines, Langworthy, Parrish, Steineger, Talkington and Winter.

Committee staff present:

Gordon Self, Office of Revisor of Statutes
Jerry Donaldson, Legislative Research Department

Conferees appearing before the committee:

Senator Nancy Parrish
Gene Johnson, Kansas Community Alcohol Safety Action Project Coordinators.
Andrew O'Donovan, SRS Alcohol and Drug Services
Karen Dunlap, Court Services Officer, 12th Judicial District
Dan Mitchell, Shawnee County Juvenile Judge
Jean Schmidt, Shawnee County District Attorney
Barbara Reinert, Kansas Peace Officers Association
Jon Brax, Kansans For Life At Its Best
Elizabeth Taylor, Kansas Association of Alcohol and Drug Program Directors
Ruth Meserve, Kansas Coalition For Drug Free Driving
John Lamb, Former Dir. of Alcohol Beverage Control Division and former Law Enforcement Officer

Senate Bill 595 - Driver's license restriction, ignition interlock devices.

Senate Bill 596 - Alcohol and drug evaluations required for certain offenses by persons.

Senate Bill 618 - Driver's license restrictions, ignition interlock devices.

Senator Nancy Parrish, prime sponsor of Senate Bill 618, explained Senate Bill 618 and Senate Bill 595 deal with permitting the use of ignition interlock devices. Senate Bill 595 deals with a person under age of twenty-one. The benefits of the interlock ignition systems prevent abuses associated with restricted driving penalties. A copy of her statement is attached (See Attachment I). Senator Parrish then presented a video tape illustrating the interlock device system.

Gene Johnson, Kansas Community Alcohol Safety Action Project Coordinators, stated his organization supports the concept of Senate Bills 595 and 618. Anything that will reduce the drinking driver's ability to operate an automobile to cut down on access due to drinking and driving. Mr. Johnson then testified in support of Senate Bill 596. He stated we feel that the young offender should have an alcohol and drug evaluation to determine the seriousness of their alcohol and drug problem. A copy of his handout is attached (See Attachment II).

Andrew O'Donovan, Commissioner of SRS, Alcohol and Drug Services, appeared in support of Senate Bill 596. He stated this bill is an important tool to turn around these young lives in the early stages of an alcohol or drug problem. A copy of his statement attached (See Attachment III).

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY

room 514-S Statehouse, at 10:00 a.m./~~p.m.~~ on February 25, 1988

Senate Bills 595, 596, 618 continued

Karen Dunlap, Court Services Officer, 12th Judicial District, testified the Kansas Association of Court Services Officers is in support of Senate Bill 595. Ignition interlock systems are being used by courts and state agencies across the country. She suggested the fine be reduced that is in the bill. The court already has discretionary power to address the problem of adult offenders with a \$10 evaluation fee. She suggested reducing the fee for the juvenile offender who is at risk. She said they have a problem with mandatory usage. A copy of her handout is attached (See Attachment IV).

Dan Mitchell, Juvenile Judge in Shawnee County, testified Senate Bill 596 as written does not include all of the offenses that it should. The concept of the bill is good. He stated the court should have the discretion as far as requirement of evaluation. On the first offense the court order alcohol school and the second offense, it be mandatory. He said diversion costs less than mandatory evaluation. Their caseload is forty to sixty percent of juvenile offenders that come into the court are drug or alcohol related activity that has caused their problem. It is a problem that needs to be addressed. I am glad to see sponsors of the bill are bringing this to the attention of the legislature.

Jean Schmidt, Shawnee County District Attorney, testified on Senate Bill 596. She stated sections are left out of the transporting open containers section. These are different definitions. It is still an offense that needs to be brought to the court's attention. She said they enjoy the flexibility to use other available programs. They do use Mr. Johnson's program. She said the earlier we can catch this problem the more help we can be to the juvenile. She suggested including the 14 to 18 year olds in the transporting offenses.

Barbara Reinert, Kansas Peace Officers Association, testified in support of Senate Bill 595, Senate Bill 596 and Senate Bill 618. She stated the association is looking with renewed interest and enthusiasm to efforts toward finding workable alternatives to incarceration. A copy of her statement is attached (See Attachment V).

Jon Brax, Kansans For Life At Its Best, read the statement of Reverend Richard Taylor in support of Senate Bill 595 and Senate Bill 618. He testified we are deeply grateful that many DUI measures are moving through this legislature. A copy of his statement is attached (See Attachment VI).

Elizabeth Taylor, Kansas Association of Alcohol and Drug Program Directors, testified they support the provisions in Senate Bill 596. They are not in support of reducing the fee for evaluation of juveniles. It is harder to do evaluation on juveniles. They support mandating evaluation on drug and alcohol offenders.

Ruth Meserve, Kansas Coalition For Drug Free Driving, testified the coalition supports Senate Bill 596. In 1987 one-third of Kansas fatalities were 19 years of age and under, and drunk driving continues to be the leading cause of death for ones under 21 years of age. A copy of her statement is attached (See Attachment VII). She stated they also support Senate Bill 618.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY

room 514-S, Statehouse, at 10:00 a.m./~~p.m.~~ on February 25, 1988

Senate Bills 595, 596 and 618 continued

John Lamb, former Director Alcohol Beverage Control Division and former Law Enforcement Officer, testified on Senate Bill 595 and Senate Bill 618. He stated one thing is very clear in terms of enforcement, mandatory suspension of drivers licenses is not working. There are a lot of people on the street that are driving on a suspended driver's license. There is a total disregard for suspension of the license because of their drug problem. He said, I think these two bills are another tool that can be used by the courts to keep these people at home when they become intoxicated and off the road and save lives. This is a good alternative. In regard to Senate Bill 596, when the drinking age was raised to 21 and ABC was active in enforcing it, the number of referrals to the juvenile court system for alcohol related had increased dramatically. Some of these people have been through the court system at least three times which indicates that person has a serious problem. The ability to put these people into a program and evaluate is a worthy alternative to look at. He stated enforcement merely identifies a potential problem that may exist and professionals from the field can make evaluations.

During committee discussion of the bills a committee member inquired of Commissioner O'Donovan do you license the facilities now? Mr. O'Donovan replied, yes. We license the facilities only. He said we have no control over their standards. There are nonprofit and for profit facilities. Their main concern now is the quality and standards of providers. We need to credential counselors. There are 270 centers across the state. Ninety percent are for nonprofit. A committee member inquired of Judge Mitchell, do you not have discretion to order evaluation? Judge Mitchell replied, it takes discretion away and makes it mandatory. He added, the evaluations cost \$110. The respondent or their parents pay for their evaluations. He can order county to pay for it but it doesn't go well. In response to another inquiry, Judge Mitchell stated they utilize all the programs available in Shawnee County. He said, it is my understanding from other judges there are programs that are not all that they should be and not as successful in their endeavors. A committee member inquired, this is the second attempt on Senate Bill 596, and the bill is drafted incorrectly again, why? A committee member explained this is a new concept.

The meeting adjourned.

A copy of a statement from Galen Davis, Governor's Office, is attached (See Attachment VIII).

Copies of material concerning interlock devices are attached (See Attachments IX).

A copy of the guest list is attached (See Attachment X).

Copies of handouts from Elizabeth E. Taylor, Kansas Alcoholism and Drug Addiction Counselors Association, are attached (See Attachments XI).

GUEST LIST

COMMITTEE: SENATE JUDICIARY COMMITTEE

DATE: 2-25-88

NAME (PLEASE PRINT)	ADDRESS	COMPANY/ORGANIZATION
Jim Clark	Topeka	KCPAA
Bruce Beale	Lawrence	Ms. ASAP
Gene Johnson	Topeka	GP ASAP
Kerwin Wake	Concordia	KSNA
Shelley Dyreson	Delphos	KSNA
Muboran Edwards	Concordia	KSNA
Ruth Mearns	Riviera Village, Ks	KS Cal. for Drug ^{Dist} Fund
Jody Hollis	Meriden Ks	KSNA
Elizabeth K. Jayln	Topeka	KAA, DPD
Joann Flower	RR2, Box 2 Colosse	
Andrew O. Danovan	90 PEKA.	SRS/ADAS.
Larry Hinton	"	"
Jan Bras	"	Life at the Best!
DICK TAYLOR	TOPEKA	LIFE AT BEST!
John W. Smith	Topeka	Dept of REV
John A. Lamb	Topeka	
Richard Lopez	802 Pem Holton	Washbur NASW
Wing Campbell	Whittier	Clatsop
Lt. BILL JACOBS	TOPEKA	K. H. P.
Matt Truell	Topeka	AP
LAURIE HARTMAN	TOPEKA	Ks. Bar Assoc.
Barb Reinert	"	KPOA
Ernest Humlap	Concordia	KACSO
Dan Wether	Topeka	Dist. of Judge
Harley Duncan	Topeka	Secy of Revenue

Att: IX

STATE OF KANSAS

NANCY PARRISH
STATE SENATOR, NINETEENTH DISTRICT
SHAWNEE COUNTY
3632 S. E. TOMAHAWK DR.
TOPEKA, KANSAS 66605
913-379-0702 HOME
913-296-7373 BUSINESS



TOPEKA

SENATE CHAMBER

COMMITTEE ASSIGNMENTS
CHAIRMAN: ADVISORY COMMISSION ON JUVENILE
OFFENDER PROGRAMS
MEMBER: ASSESSMENT AND TAXATION
JUDICIARY
EDUCATION
JOINT COMMITTEE ON SPECIAL CLAIMS
AGAINST THE STATE

TESTIMONY ON S.B. 618 and S.B. 595
February 25, 1988

Both S.B. 618 and S.B. 595 deal with permitting the use of ignition interlock devices. Ignition interlock devices are devices which are installed in an automobile of an individual who has been either convicted of D.U.I. or placed on diversion for D.U.I. charges as a means to restrict the driving privileges of that individual. The devices make use of a breath analysis mechanism to prevent the individual from operating a motor vehicle if the person has consumed an alcoholic beverage.

Both S.B. 618 and S.B. 595 authorizes the Kansas courts to restrict the defendant's driving privileges by requiring the use of an ignition interlock device. The bill leaves the discretion to the Judge as to when the device would be used. It could be used either in addition to or in lieu of other driving restrictions.

In addition, this legislation provides for certification of the device by the Department of Revenue. It also provides for a penalty for tampering with the interlock device or for helping another person circumvent the device.

Judges currently can suspend or revoke a person's driver's license or restrict the driving privileges to certain circumstances such as driving back and forth from school and employment. But according to at least one study, close to 80% of the individuals with restricted or revoked licenses drive illegally. The interlock device is obviously not an absolute solution for preventing these abuses of restricted or revoked licenses but it certainly could reduce the numbers.

Currently 5 states (California, Washington, Oregon, Texas and Michigan) have adopted legislation authorizing the use of interlock devices. In several of these states the legislation provides for pilot programs as well. Numerous other states have bills pending this session to authorize ignition interlock systems.

Att. I

Finally, this legislation is not designed to give a drunken driver an easy way out. Instead, it gives judges discretion to order the use of the interlock device if they feel the convicted driver would disregard other restrictions.

INFORMATION REGARDING
IGNITION INTERLOCK SYSTEMS

Interlock Manufacturers

At this point, there are three interlock manufacturers. Guardian from Denver, Colorado; Auto Sense from Hayward, California; and Safety Interlock from Monterey, California.

Cost

According to Guardian Interlock Systems, the cost is approximately \$500 per year for the rental of the device and can be paid in installments. The defendant is assessed the cost of the rental. In some jurisdictions if the defendant is indigent the cost of the rental is picked up by the county. In others, any fine that is assessed is reduced by the amount of the rental charge for the device.

Anti-Circumvention Features

The Coordinated Breath Pulse Access feature screens out, with a high degree of accuracy, all but the driver for whom the device is intended. The driver has to not only pass the breath test but also deliver a coordinated breath pulse code. If the correct code is not delivered, the car will not start for one hour.

There is also a feature that provides for retests at various time intervals to prevent a person from drinking and becoming intoxicated while driving or to measure alcohol levels that initially were in the stomach but not yet in the bloodstream. If the driver doesn't pull over, stop the engine and take the breath test, the car's horn will sound continuously until he or she complies.

In addition, there is a feature that shuts off the engine after a specific period of time if the driver leaves the car idling.

Benefits

Interlock ignition systems prevent abuses associated with restricted driving penalties. In addition, a recent study done in Calvert County, Maryland by Elizabeth Baker, showed that because of interlock systems, offenders changed their attitudes about drinking and driving.

The study further showed that the system had significant educational value beyond the 12-month period when the system was in the offender's car.

TESTIMONY ON SENATE BILL 596

ALCOHOL AND DRUG EVALUATIONS
For Those Offenders Under the Age of 21

Due to the changes in the Kansas alcohol beverage laws over the past several years, there is evidence to support a change in the criminal justice system for those offenders under age 21. Present Kansas law makes it unlawful for a person under age 21 to possess or consume alcohol in a public place. These laws also include that beverage known as 3.2 beer.

Since the changing of the laws and also making alcoholic beverages more available in the public market place, certain changes have been noted. Persons under age 21 are quite resourceful in obtaining liquor illegally and consequently are apprehended by law enforcement personnel. Those offenders may be young adults who, because of their age group, are acting in defiance of the law or they may be yielding to peer pressure. However, a good number of these young offenders may have the characteristics of an alcoholic or drug addict.

Chances are most of these offenders will be given diversion for their offense or ordered to pay a small fine. These measures stop short of offering any information, education or treatment to the offender. The lack of an alcohol and drug evaluation to these young offenders allows them to "experiment" more with alcohol and progress into more serious crime. For those who have the characteristics of becoming alcoholic, their addiction progresses because they go un-noticed until more serious life problems become apparent.

We feel that the young offender should have an alcohol and drug evaluation to determine the seriousness of their alcohol and drug problem. Chances are, a majority will be classified as a social or early problem drinker and an information/educational school will be recommended. However, a good number of these offenders may have those characteristics or drinking pattern that would place them in a problem or addicted drinker or drug addict and professional assistance may be recommended.

We support mandatory alcohol and drug evaluations for alcohol and drug offenders under the age of 21. The mechanism to accomplish these evaluations is already established. Each judicial district in the state of Kansas has Alcohol Safety Action Projects at their disposal for providing the evaluations for the D.W.I. offenders. These A.S.A.P. projects have demonstrated in the past through the D.W.I. programs that they are quite capable of quality evaluations. We would suggest that the same procedure be legislated as provided for in K.S.A. 8-1008,

Att. II

for all young offenders of alcohol and drug laws. In addition, we support that the \$110 evaluation fee be paid by the offender rather than placing that cost at the feet of the taxpayer.

Early identification of the alcohol and drug abuser is much easier to treat and at a considerable less expense than those who continue to abuse their drug of choice over a period of years. Identification and subsequent education and/or treatment of these youthful offenders can be a positive factor in reducing our prison population problem in the future.

Thank you.

Respectfully Submitted



Gene Johnson
Legislative Liaison
Kansas Community Alcohol Safety
Action Project Coordinators
Association



STATE OF KANSAS

MIKE HAYDEN, GOVERNOR

STATE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

WINSTON BARTON, SECRETARY

ALCOHOL AND DRUG ABUSE SERVICES

2700 WEST 6TH STREET
 TOPEKA, KANSAS 66606-1861
 (913) 296-3925
 KANS-A-N 561-3925

Testimony in Favor of Alcohol and Drug Evaluations for Persons
 Under 21 years of Age with Alcohol or Drug Related Offenses.
 Senate Bill 596
 February 25, 1988

I am Andrew O'Donovan, Commissioner of SRS, Alcohol and Drug Services. Senate Bill 596 is an important step in identifying, assessing and intervening in a young persons alcohol and drug problem at an early stage. I support the bill and the provisions to have the evaluations performed by the community alcohol and drug safety action programs. They have the experience and expertise to perform the evaluations, and then assist the young person in getting the necessary education or treatment.

Among adults, there is a temptation to sit back and evaluate a young persons use of alcohol and drugs for a longer period of time and hope the problems will go away. The odds are just too high if we take this approach. Research shows that nearly 20 percent of the kids who use alcohol and drugs will manifest a problem. This use accounts for the majority of teenage accidents, drownings, suicides and violent injuries.

Nearly half of the teenagers who go to treatment are ordered there by the court after they've gotten into trouble. Senate Bill 596 is an important tool to turn around these young lives in the early stages of an alcohol or drug problem.

AOD:JW:kg
 02/24/88

Att. III

KANSAS ASSOCIATION OF COURT SERVICES OFFICERS



Testimony
before
Senate Judiciary Committee
February 25, 1988

Executive Board

President
Karen Dunlap
Concordia

Vice President
John Steelman
Ottawa

Secretary
Sue Woodring
Great Bend

Treasurer
Mark Bruce
Parsons

Nomination/Membership
Donna Hoener
Olathe

Legislative Chairperson
Phil Magathan
Topeka

Training Chairperson
Lisa Parrett
Kansas City

Parliamentarian
Mary Kadel
Coffeyville

Public Relations Chairperson
Ruth Lloyd
Hutchinson

Immediate Past President
Cecil Aska
Topeka

Honorable Chairman and Committee Members:

My name is Karen Dunlap and I am the Chief Court Services Officer for the 12th Judicial District, and as president, of the Kansas Association of Court Services Officers, I am here representing the professionals across the State of Kansas who provide probation supervision for DUI offenders. The Kansas Association of Court Services Officers is in support of Senate Bill 595.

California, Washington, Texas, Michigan and Oregon have passed legislation to arm courts and state agencies with an innovative tool to deter drunken driving, and many other states are considering such legislation. In the past several years, legislators have been overwhelmed with information linking alcohol consumption with traffic accidents and fatalities nationwide. Although the Kansas Legislators are responding by stiffening penalties for drunken driving, citizens are still being arrested again and again for alcohol related traffic offenses.

Ignition interlock systems are being used by courts and state agencies across the country. The ignition system is a breath analyzer that connects to a vehicle's ignition. The driver of a ignition interlock equipped vehicle must pass a breath alcohol test before their car can be started. Additionally, the ignition interlock system includes a variety of tamper-resistant features to deter all but the intended driver from starting the car.

National Highway Traffic Safety Board statistics indicate that a 20% median re-arrest rate occurs during the first year after arrest for DUI. However, with an ignition interlock device the re-arrest rate is reduced to 4% after the first year.

Att. IV

There are many reasons why ignition interlock legislation should be considered.

- * Ignition interlock systems lend assurance to the bench and agencies that, when issuing driving privileges to offenders, the health and welfare of the public and of the state will be protected.
- * Some state officials see the use of ignition interlock legislation as a means of alternative sentencing for drunken drivers. Judges in states where the legislation has been enacted view the device as an option which provides a constant reminder of the drunken driving offense and educates the offender about the physiological effects of alcohol.
- * Studies indicate a promising trend toward permanent behavior change as a result of participating in the ignition interlock program.

Ignition interlock programs would be beneficial for:

- first time offenders arrested for driving with a blood alcohol concentration (BAC) of .20 or more.
- repeat offenders convicted of driving drunk more than once within ten years, and
- offenders who have refused to have their blood tested for alcohol content at the time of their arrest.

COST: Cost of the ignition interlock device is approximately \$500.00 per year. The cost of the system would not be an additional cost to the defendant, if the fine or part of the fine is waived.

OCCUPATIONAL DRIVING PRIVILEGE: Allows for the waiver of statutory time limit on drivers license suspension and immediate installation on ignition interlock device.

COURT DISCRETION: Court may implement as they wish, any court using 50 units per month on a regular basis may have installation center within their area.

The Kansas Association of Court Services Officers supports the concept of Senate Bill 595. Ignition interlock legislation is being looked at in 28 states, interlock systems are cost effective, the system also changes drinking and driving behavior.

February 25, 1988 Senate Committee on Judiciary

Regarding Senate Bills 595, 596, 618

Senator Frey and Committee Members,

I am Barbara Reinert, Legislative Liason (person) for the Kansas Peace Officers Association.

As you well ^{know}, KPOA has, consistently and predictably, asked Legislators to toughen-up on every criminal penalty and every sentencing decision that you have had to face, in recent years.

So, I want to call your attention to this moment, in order to emphasize KPOA support of these three bills..595, 596, 618.

Members of KPOA
this group, representing many approaches to law enforcement, is looking, with renewed interest and enthusiasm, to your efforts toward finding workable alternatives to incarceration.

We appreciate the language change to "dancing picket line"

Thank you -

Att. *V*

KANSANS FOR LIFE AT ITS BEST!

Rev. Richard Taylor, Box 888, Topeka, Kansas 66601

Phone (913) 235-1866 Office 1273 Harrison
(3 Blocks South of Statehouse)



A Proud Land

Judiciary Committee of the Senate
February 25, 1988
Hearing on SB 595 and SB 618
Rev. Richard Taylor, KANSANS FOR LIFE AT ITS BEST!

Laws on drinking and driving should be so tough that persons will choose to just say NO to alcohol before driving. We are working for prevention, not punishment.

But if a person chooses to drink before driving, an ignition interlock device may keep that killer off the road. If injury or death is prevented for just one person by an ignition interlock device, then your support for such a measure is justified.

Citizens concerned for less highway tragedy request your support for a license restriction that includes an ignition interlock device.

All across Kansas I tell people that they have every right to differ with what lawmakers may or may not do, but we all must acknowledge that Kansas legislators are a hard working bunch. We thank you for giving time and attention to these two bills this morning. Please approve the one you think is best.

We are deeply grateful that many DUI measures are moving through this legislature.

Respectfully yours,

Rev. Richard E. Taylor, Jr.

RET:lb

"Of our political revolution of 1776 we are all justly proud," said Abraham Lincoln on Washington's birthday in 1842. He went on to say "how proud the title of that land" where persons declare their freedom from alcoholic beverages because they "shall find a stronger bondage broken, a vile slavery manumitted, a greater tyrant deposed. . . perfect liberty!" With per-person consumption at nearly half the national average, thousands of Kansans enjoy that perfect liberty. Concerned users and non-users are united in this R-E-A-L effort to prevent alcoholism, highway tragedy, and other suffering caused by our most abused recreational drug.

Rehabilitation — Help alcohol-dependent persons adjust to life without the drug.

Education — Inform children, youth & adults of effect of alcohol on mind & body.

Amount — Encourage persons to be non-users and encourage users to use less.

Law — Pass and enforce laws that reduce consumption and suffering.

Att. VI

2-25-88

Kansas Coalition for Drug-Free Driving

P.O. Box 58093

Topeka, KS 66658

913-286-0555

February 25, 1988

TO: Judiciary Committee

The Kansas Coalition for Drug Free Driving is statewide and made up of Members of MADD (Mothers Against Drunk Driving), RID (Remove Intoxicated Drivers), Kansans for Highway Safety, Kansas PTA, Insurance Women of Wichita and ASAP Associations. Representing over 10,000 concerned citizens.

The coalition supports SB #596. In 1987 1/3 of Kansas Fatalities were 19 years of age and under, and drunk driving continues to be leading cause of death for ones under 21 years of age.

If we intervene now with the under age drinker who is in violation of the law by either possession, consumption or purchasing of alcohol and drugs. With this violation it should be made mandatory that the court order under age persons to submit and complete alcohol and drug evaluation program at the time the offense occurs and to pay the fee for such evaluation.

The law is that no one under the age of 21 should be drinking. Maybe in this way we can educate and treat the under 21 year old and save lives.

We also support both concepts of SB # 618.

Thank you

Ruth Meserve

Att. VII

STATE OF KANSAS



OFFICE OF THE GOVERNOR

State Capitol
Topeka 66612-1590
(913) 296-3232

Mike Hayden *Governor*

February 25, 1988

The Honorable Robert Frey, Chairman
Senate Judiciary Committee
Kansas Senate
Room 128S

Dear Mr. Chairman:

On behalf of Governor Mike Hayden I would like to encourage the Senate Judiciary Committee to consider supporting Senate Bill 596. This proposal is consistent with our goal of preventing and reducing the use and abuse of alcohol and other drugs by Kansas youth.

The Governor supports a comprehensive approach to the problems of substance abuse which includes education, prevention, intervention, treatment and law enforcement. The assessments of adjudicated youth who have violated alcohol and drug laws, which is called for in this bill, serves as an excellent intervention tool. Such assessments may uncover early addictive behaviors that if undetected could lead to a life time of dependency and crime.

The information gained from these assessments would assist court personnel in proposing and implementing appropriate sentencing and/or probation with counseling. The ultimate benefit of early assessment to the young person and society is to prevent future violations and to promote a healthy, law abiding lifestyle.

Thank you for considering this letter of support for Senate Bill 596. If I can be of further assistance to you or your committee in this matter, please do not hesitate to call me.

Sincerely,

A handwritten signature in cursive script that reads "Galen Davis".

Galen Davis
Special Assistant on Drug
Abuse

GD:np

Att. VIII

INTERLOCK Technology NEWS

...using science and engineering to deter drunken driving

New technology may change drink/drive behavior and reduce rate of repeat drunken driving offenses

Ohio judges initiate study on interlock technology

Ignition interlock technology is quickly emerging as an important force in the nation's battle against drunken driving; as a result, researchers are also quickly finding opportunities for investigating its effectiveness.

Judges with the Hamilton County Municipal Court in Cincinnati, Ohio are selecting certain convicted offenders to participate in a two-year study to determine the effectiveness of ignition interlock systems in deterring repeat drunken driving offenses, and in changing a person's drink/drive behavior for the better. An ignition interlock system is a technological device which, once installed in a vehicle, deters would-be drivers from starting the engine if they fail its breath test because of their blood alcohol level. (See details on the technology, including its features which deter tampering and circumvention, on page three.)

"There's no question this study will be closely watched by the nation's judicial community," says Presiding Judge Deidra Hair, of the Hamilton County Municipal Court, the first court system in the country to initiate its own study on the technology. The Hamilton County study will help

court officials determine if the Guardian Interlock™ ignition system is more effective than license suspension or revocation in reducing recidivism among

—first time offenders arrested for driving with a blood alcohol concentration (BAC) of .20 or more.

—repeat offenders convicted of driving drunk more than once within ten years, and

—offenders who have refused to have their blood tested for alcohol content at the time of their arrest.

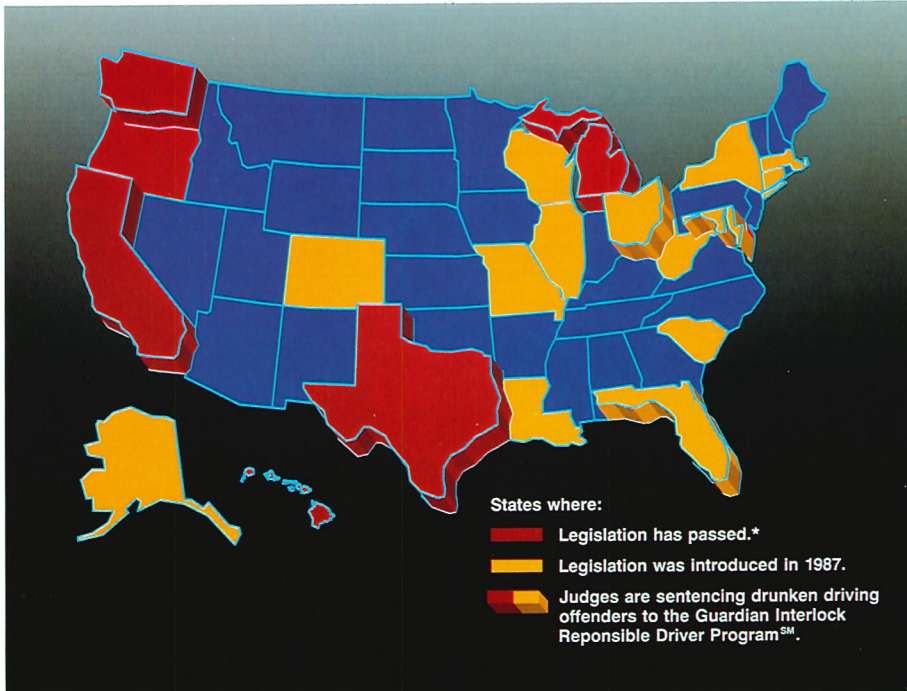
For a minimum of one year, "the Guardian Interlock will remain in a person's vehicle as a condition of probation," says Delbert Elliott, Ph.D., a sociologist with the University of Colorado Institute of Behavioral Science and the director of the study. "But the study will continue after the device has been removed from the vehicle so we can see if there is a lower recidivism rate. If so, this would support the conclusion that the equipment in the car can lead to changes in a person's drinking and driving patterns."

Several Hamilton County judges began ordering selected offenders to use the Guardian Inter-

lock last summer as a condition of probation. The device is manufactured by Guardian Interlock Systems, Inc., a Denver, Colorado-based company. As a service to all courts, the company requires those using its product to participate in the Guardian Interlock Responsible Driver Program™. The program provides for the installation of the device, as well as checking it at scheduled intervals for attempted tampering and circumvention. The Guardian Interlock contains technology which can detect such attempts.

"One out of 10 persons driving on a weekend evening are doing so under the influence of alcohol," says Judge Nadine Allen with the Hamilton County court who is ordering some convicted offenders to the Guardian Interlock program. "And, generally speaking, one out of 50 are driving under the influence on any given day."

Allen believes ignition interlock technology teaches people their drinking limit before they attempt to drive, and that it will help keep drunken drivers off the roads. "An interlock device focuses directly on the problem of drinking and driving. It really focuses on immediate public safety."



Many states are considering legislation that would authorize judges, or state agencies, to use ignition interlock systems as optional sanctions in drunken driving cases. Since September, 1986, five states have passed such bills into law, and two states* (Hawaii, Delaware) have passed related resolutions. Although judges in many states may already sentence offenders to use the devices, legislation can help reinforce their pioneering efforts.

Payment plan begins

Guardian Interlock Systems has launched a National Payment Plan to give more drunken driving offenders an opportunity to participate in the Guardian Interlock Responsible Driver Program™ announced Richard Freund, director of program development.

"We have developed this payment option in response to the courts and in response to the economic realities faced by offenders," said Freund.

The new payment plan reduces by more than half the up-front cost of enrolling in most Guardian Interlock programs. For instance, if an offender is sentenced to the 12-month program, he would initially pay \$195 at the time the device is installed in the car. The offender then makes a payment each time he returns to the service center for his regular appointment, and until his program ends. The payment plan applies to all Guardian Interlock programs, regardless of length.

"The typical DWI (driving-while-intoxicated) offender incurs considerable costs with fines, court costs and attorney fees before the court system has even begun to address education or rehabilitation," said Marita Re, associate chief of

See "Payment"—back page

Texas, Michigan, Oregon pass 'interlock' bills!

Since mid-June, three more states have passed legislation regarding use of ignition interlock technology to help stop drunken driving.

Governors James Blanchard of Michigan and Bill Clements of Texas have signed bills giving all judges who preside over drunken driving cases in their states the authority to order convicted offenders to have their vehicles equipped with ignition interlock devices.

Additionally, Gov. Neil Goldschmidt of Oregon has signed a bill, H.B. 2449, sponsored by Rep. Richard Springer, to set up a statewide pilot program to evaluate the impact of the technology on repeat drunken driving offenses. The technology will be deemed "a success" if it reduces the recidivism rate by at least 10 percent within one year. In the next few months, a state agency will determine the counties or jurisdictions to be included in the pilot project.

California passed the first "interlock" bill in the nation in September, 1986; Washington state passed the second such bill last April. The Michigan and Texas bills are similar in that they give judges the option to require use of the devices "as a reasonable condition of probation" for drunken driving offenders, according to Laurel Nelson, legislative specialist at Guardian Interlock Systems, Inc. Both states, as well as Oregon, also provide a means for certifying the devices to assess their accuracy, safety and ability to deter tampering and circumvention.

"The best thing about the Michigan bill is that it hopes to resolve the quandary judges face with granting restricted licenses to drunken driving offenders," says Rep. David Honigman, sponsor of the Michigan bill, H.B. 4469. "Judges don't



Rep. David Honigman: "Interlock devices constitute an extremely effective method to deter drunken driving, even by alcoholics."

want the offenders to lose their means of livelihood, yet they worry about the possibility of their drinking and driving despite restricted driving privileges. Interlocks offer the best of both worlds by allowing a person to work while helping to ensure he or she can no longer drink and drive."

The Texas bill, H.B. 655, hailed by its sponsor, Rep. Betty Denton of Waco, as a "huge stride" for the Lone Star state, allows a judge "to utilize the ignition interlock system" in the sentencing of second and subsequent offenders as an alternative or adjunct to traditional sanctions.

Dallas Judge Harold Entz, has been ordering DWI (driving-while-intoxicated) offenders to use ignition interlock devices beginning July, 1987. "Under Texas law, a person whose license is suspended for DWI may petition the court to get an occupational restricted license for job-related purposes," he says. "I have begun making the interlock a required condition of that occupational license. If you want to drive to work, you can only do so with an occupational license and with the Guardian Interlock in your car."

Guardian Interlock good for first offenders

The Guardian Interlock™ is as appropriate for first-time offenders with suspected drinking problems as it is for repeat offenders, according to Delbert Elliott, Ph.D., a sociologist with the University of Colorado Institute of Behavioral Science.

"Many of those arrested for the first time for driving-under-the-influence of alcohol are problem drinkers," says Elliott. "When a person is identified as a problem drinker, even on a first arrest, it is essential that we intervene now because that person will be drinking and driving again."

Currently, judges and magistrates are sentencing mostly repeat offenders to the Guardian Interlock Responsible Driver Program™ a program launched last year to monitor those using the company's product.

"Our track record is very promising," says Gary Schlatter, vice president of marketing at Guardian Interlock Systems. "Our re-arrest rate for those offenders using the Guardian Interlock is less than

two percent within 15 months." (Since the last newsletter, a few offenders in the Guardian Interlock program have been re-arrested for drunken driving.) In comparison, a study released by the National Highway Traffic Safety Administration (NHTSA) shows that, of those with previous arrests for drunken driving, an average of 20 percent are re-arrested for the same offense within 15 months, and more than 50 percent are re-arrested within three years.

Elliott is currently investigating whether the Guardian Interlock will show greater success in modifying the behavior of persons with alcohol dependency problems than traditional treatment programs. "The potential significance (of the Guardian Interlock) is that it provides a constant reinforcement day-after-day, and that it has potentially more power for change," says Elliott. "The Guardian Interlock provides immediate negative consequences when a person is denied the opportunity to start his or her vehicle after drinking."

The Forum

Judges view existing laws on driving-under-the-influence of alcohol and drugs (DUI/ DUID) as over-emphasizing punishment at the cost of rehabilitation and deterrence. So concluded a 1984 study of 570 judges who hear such cases in California, Colorado, Georgia, Maryland, Pennsylvania and Wisconsin.

Lee Perry Robbins, Ph.D., a professor in the Department of Human Resource Administration at Temple University in Philadelphia, presented the results of his '84 study last year at a conference of the National Commission Against Drunk Driving. Among his findings: Although citizen activism focuses on harsh punishment against DUI offenders, there is scant scientific evidence supporting its effectiveness. As a result, Dr. Robbins suggests other alternatives, one being ignition interlock technology. Below, he discusses his study and how this new technology may well help society in its battle against drunken driving.

THE STUDY of 570 judges for which I did the field research through the Wharton School at the University of Pennsylvania showed that judges support a "package" of four sanctions for the typical DUI/DUID offender: license suspension, rehabilitation and education, a fine, and community service or a short jail term. Most of the judges supported mandatory jail sentences for repeat offenders, while only 20 percent supported mandatory jail sentences for first-time offenders.

In each of the six states studied, the majority of judges believed that the law overstresses punitive objectives at the cost of deterrence and rehabilitation.

This viewpoint sharply contrasts with the widespread opinion, not supported by research, that harsher penalties will decrease accidents caused by drunken driving. Most researchers estimate 50 to 80 percent of DUI offenders are

See "Forum"—back page



Dr. Lee Robbins: "During the '80s, strong citizen activism focused on harsher laws to punish drunken drivers. Legislators, influenced by the activist groups and the media, enacted these laws without researching the viewpoints of judges. Now we see that the success of curbing drunken driving with strong punitive sanctions remains doubtful."

It's customized **Home arrest**

Several counties in Colorado and Maryland now use Guardian Alternative Technologies home arrest systems, and the company is gearing up to add 10 more jurisdictions in the next 90 days.

"The reason we have been so successful is that we emphasize choice," says Guardian Alternative Technologies director Bud Kiebler. "Not all clients are alike, so we offer a number of flexible alternatives for unique problems."

Using innovative technology and customized services, the company (formerly called Guardian Home Arrest Technologies) can tailor its "full menu of services" to suit nearly any jurisdictional need for incarcerating a client in his or her home. Among the options:

—Clients can be "actively tracked" by electronic monitoring. The client wears an ankle bracelet which transmits information by radio frequency to the monitoring center in the client's home if he or she steps beyond the center's 150 foot range, or tampers with the equipment. The home monitoring center, which includes a specially-equipped telephone, in turn "tells" of the violation over the telephone lines to the company's central computers located and operated by personnel at corporate headquarters in Denver. The local corrections officer is provided with an on-line terminal, so he or she can receive information about the client at anytime.

—The central computer can randomly call clients at home to verify their presence with "speaker identification" technology. This technology helps to ensure the client is accurately identified by comparing his or her voice to that of samples stored in the home monitoring center. Because of its "comparison testing" capabilities, the system is completely multi-lingual. Plus, the technology eliminates problems with interference inherent in telephone lines by communicating in nonverbal computer language.

—Clients can be monitored for alcohol use with technology similar to that of the Guardian Interlock. The computer randomly calls the clients and asks them to first pass the speaker identification test, then blow into the breath testing device to determine blood alcohol concentration. The BAC reading is transmitted to the computer.

"We monitor clients 24 hours a day, seven days a week," says Kiebler. "Our level of monitoring would require a jurisdiction to allocate at least five people to do the same job."

Guardian Alternative Technologies offers its systems on a leased basis, requiring no up-front costs, "which makes it an affordable choice," says Kiebler.

Officials in Adams County, Colorado, chose Guardian Alternative Technologies primarily because of its monetary benefits. Sums up Penny Collins, the county jail administrator:

"We see no reason to keep people in jail at \$55 a day when full-service home arrest is available for only a fraction of the cost. It's ridiculous to put work-release people in an overcrowded jail. Our jails are already overcrowded. Home arrest can also significantly reduce our contraband problem."



Please excuse our redundancy, but we owe new readers an explanation! The Guardian Interlock™ connects a hand-held breath analyzer to a vehicle's ignition. Before a person can start a vehicle equipped with the device, he or she must first blow into the breath analyzer. If the would-be driver's blood alcohol concentration (BAC) meets or exceeds the BAC setting on the device, the car will not start. However, even if a person passes the breath test, he or she must also blow a "breath code" into the analyzer to access the system. This code deters others from trying to start the vehicle for the intended driver. A growing number of judges nationwide are requiring drunken driving offenders to have their vehicles equipped with ignition interlocks as a condition of probation, and to help stop repeat drunken driving offenses.

As a service to the courts, Guardian Interlock Systems launched a program more than a year ago to monitor those sentenced to use the company's product. Called the Guardian Interlock Responsible Driver ProgramSM, the program provides for the installation and calibration of the Guardian Interlock, and it includes scheduled appointments for checking the device for attempted tampering or circumvention.

Service centers open in California, Washington

Guardian Interlock Systems has opened centers near San Diego and San Francisco, Calif., and near Seattle, Wash., to provide for the installation and service of the Guardian Interlock™ for those using it.

"My goal is to ultimately put Guardian Interlocks in the vehicles of all second-time offenders, and in those of first-time offenders when appropriate," says Judge Runston Maino, with the North County Judicial District, San Diego County Municipal Court.

The Guardian Interlock was the first ignition interlock system in the country to meet any state requirement for accuracy and reliability when the device was certified by the California Office of Traffic Safety (OTS) in May, says Greg Manuel, a legislative analyst with OTS.

According to a spokesman with the Califor-

nia office of the National Highway Traffic Safety Administration, ignition interlock technology offers "one of the best" chances to deter drunken driving. "And there's a trend sweeping the country that leans more toward this kind of action," states Al Crancer, the state program coordinator.

The National Highway Traffic Safety Administration, an agency of the U.S. Department of Transportation, will hold a workshop in October at DOT headquarters in Washington, D.C., to review new developments in ignition interlock technology and exchange information about its application. For more information on the workshop, call or write: Dr. James Frank, Research Psychologist, Office of Driver and Pedestrian Research, NHTSA, 400 Seventh St., SW, Washington, D.C. 20590. (202) 366-5593.

New features enhance benefits of Guardian Interlock

The Guardian Interlock™ now features several more new advances which further enhance its ability to deter drunken driving.

One new feature, called Memo Minder™ reminds the offender of his or her next appointment at the company's nearest service center. Three days before the appointment, a "reminder" light on the device will start flashing. If the offender does not visit the center on the day of the appointment, the device will emit a sequence of tones and the light will continue flashing one week longer. If the offender still fails to show, the device will revert to "standby," and the car will not start.

Another feature has been added to Guardian Interlock's repertoire of tamper-resistant technology. Should an offender attempt to tamper with the device, Guardlink™ will push it into Memo Minder so the user has no other choice than to report to the service center, otherwise, the car will not start. All incidences of attempted tampering or circumvention are reported to the offender's probation officer or other designated person. Other Guardian Interlock features include:

—Coordinated Breath Pulse Access™ CBPA requires the driver to not only pass the initial breath test for sobriety, but also blow into the breath analyzer a short series of "breath pulses." If the correct code is not delivered within three attempts, the vehicle will not start for 45 minutes.

—technology which determines if the driver's blood alcohol level has risen due to alcohol in the stomach not yet absorbed into the bloodstream. If the device has detected alcohol from the driver's previous breath test (although still within legal limits), it will require the driver to retest every 20 minutes. If the driver does not pull over (the system allows ample time), stop the engine and take the breath test, the car's horn will sound until he or she does so.

"Forum"—continued from page 2

problem drinkers and alcoholics. When sober, these individuals lack the ability to avoid harming their health, families and careers by stopping their abuse of alcohol. When drunk, they are unlikely to have the judgment to drive safely.

IN LOS ANGELES, the courts hear over 100,000 DUI/DUID cases a year, more than most states. Here, another side of stronger penalties surfaces. A 1982 California law added mandatory jail and fines, restricted plea bargaining, and required treatment programs. Subsequently, the number of jury trials rose 33 percent, probation revocation hearings rose 64 percent, and guilty pleas dropped, though only by two percent.

In a separate study of a northern California county, it was discovered that the time needed to close a DUI/DUID case rose by nearly 80 percent from 48 days in 1981 to 86 in 1984. Fully 55 percent of the offenders studied had had either a prior or subsequent DUI/DUID arrest, which indicates a high probability that they were problem drinkers or alcoholics. A third, broader study on mandatory jail sentences published by the National Institute of Justice concluded that "new and heavy" demands were placed on the courts, probation services and jails.

EMPIRICAL DATA AND LOGIC suggest that adding further and harsher penalties will do little to limit injuries and deaths.

Judges should have greater responsibility in DUI/DUID issues, and there should be more judicial education in this area. But better informed judicial decisions will not work unless society provides judges with effective choices. Alcohol and drug users should be closely supervised and given long-term treatment. Communities should require offenders to develop and execute DUI/DUID prevention and education programs rather than use them for cheap labor for municipal chores. And ignition interlock systems should be widely tried and evaluated.

IGNITION INTERLOCK systems separate the alcohol abuser from his or her vehicle, thus dangerous behavior can be deterred at minimal

cost and without harsh sanctions. While the results of full field studies on the effectiveness of interlock systems are still needed, even occasional evasion* by drivers would be far less dangerous than the widespread failures of existing sanctions.

Traditional approaches currently used against drunken driving offenders are very costly. They prevent needed attention to the growing problem of drugged driving which, studies suggest, may account for 10 to 30 percent of impaired driving problems.

Ignition interlock systems are not designed for deterring drugged driving, but they free up resources needed to help solve this problem and other issues of highway safety.

.....
**The Guardian Interlock™ ignition system contains features which deter abuse of the system. Additionally, offenders sentenced to use the device are monitored through the Guardian Interlock Responsible Driver Program.™*
.....

Dr. Robbins is a writer, researcher and speaker on issues concerning drunken and drugged driving and the role of the judiciary. He holds degrees from Harvard University and the University of Pennsylvania. He may be reached at: Human Systems Research/Management, 2013 Pine St., Philadelphia, Penn.. 19103. (215) 546-5377.

"Payment"—continued from page 1

probation at the Hamilton County Municipal Court in Cincinnati. "This new payment plan enables the courts to enroll a wider range of people who can qualify for the interlock program."

According to Re, the Guardian Interlock program benefits the courts by reducing the number of arrests for driving while intoxicated under license suspension, helping prevent another DWI charge, and providing continuing education and constant feedback on the effects of drinking and driving.

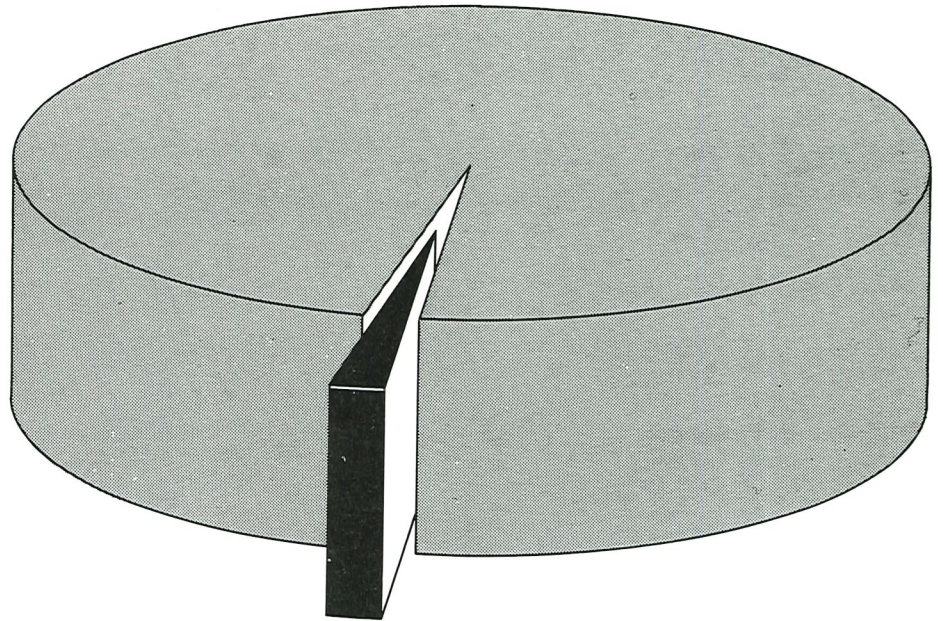
Interlock Technology News
Guardian Interlock Systems, Inc.
1009 Grant Street, Denver, CO 80203
303/831-6333 or toll-free 800/457-0001

Bulk Rate
U.S. Postage
PAID
Denver, CO
Permit No. 3315

Please Forward
Address Correction Requested

RESULTS

Guardian Interlock Responsible Driver ProgramSM significantly reduces risk of repeat drunken driving



A STATISTICAL ANALYSIS OF DUI/DWI* offenders in the Guardian Interlock Responsible Driver ProgramSM shows that only 4.6% were rearrested for drunken driving within the 12 months ending December, 1987.

In comparison, many jurisdictions nationwide report that approximately 15% of multiple DUI/DWI offenders subject to only conventional sentencing are rearrested within one year.

The statistics indicate that court officials who sentence offenders to the Responsible Driver Program are three times more likely to reduce the number of repeat drunken driving offenses in their jurisdictions than those who do not use the program.

The analysis involved a sample population of mostly multiple offenders sentenced for at least one year to the program typically as a condition of probation for drunken driving.

THE RESPONSIBLE DRIVER PROGRAM provides for installation of the Guardian InterlockTM in an offender's vehicle and monitors his or her use of the computerized device. Guardian Technologies, Inc., manufacturer of the device, reports the results

GUARDIAN INTERLOCK
RESPONSIBLE DRIVER PROGRAM
SAMPLE POPULATION
OVER
12 MONTH PERIOD

REARREST RATE 4.6%

of these monitoring checks to the court every 60 days.

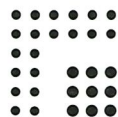
More than 100 courts in eight states are including the program in their sentencing of offenders to deter further drunken driving offenses. The program can be used as an alternative to traditional sentencing or to supplement and enhance such measures as alcohol treatment.

The Guardian Interlock, which requires a breath test before a vehicle will start, is tamper-resistant. As an

added safeguard, it features technology which can detect attempted tampering and circumvention.

For more information on the Guardian Interlock Responsible Driver Program, call toll-free (800) 457-0001; In Colorado, call (303) 831-6333. Or write: Program Development, Guardian Technologies, Inc., 1009 Grant Street, Denver, CO 80203. Results on the program will be updated periodically.

*Driving-Under-the-Influence/Driving-While-Intoxicated



**GUARDIAN
TECHNOLOGIES, INC.**

©1988, Guardian Technologies, Inc.
IRG-88122

*Att. IX
(Cont.)*

Boston Herald

PATRICK J. PURCELL, Publisher

KENNETH A. CHANDLER, Editor

ALAN S. EISNER,
Managing Editor

PHILIP BUNTON,
Sunday Editor

RACHELLE COHEN,
Editorial Page Editor

The Boston Herald Wednesday August 19, 1987

Stopping the drunk

ACCORDING to the latest statistics, Massachusetts roads are safer than they have been in four years, with highway fatalities down dramatically. In the first seven months of 1986, 450 people were killed in car accidents. In 1987, in the same time period, 100 fewer people died.

That is good news, but of small comfort to the families of Randolph Fire Department Capt. T. Dustin Alward and Braintree stone mason Arthur F. Stearns, best friends who were killed in a car accident this past weekend.

The men and their wives were on their way home after eating out Friday night when an alleged drunk driver traveling more than 70 mph in a 30 mph zone crashed into them. The men, both 54, were killed.

In the past year, Massachusetts has come down hard on drunk drivers with roadblocks and sobriety tests and the toughest drunk driving law in the nation. But it isn't enough. Too many people still get behind the wheel of a car when they shouldn't. The law steps in after the fact, after a person has driven drunk, in what is

a perfect example of closing the barn door after the horse is gone.

Drivers with a history of drunk driving should never be allowed to continue on that path, and wouldn't be if technology available for the last 20 years were in common use today. Breathalyzers for cars, attached to an automobile's ignition system, are a proven way to prevent needless highway tragedies, a way of taking the keys away from those in no condition to drive.

Already in eight states, judges have ordered repeat offenders to install these devices in their cars. A person has to blow sober air, in a certain sequence, into an interlock ignition system before his car will start. This simple device, if installed in all cars would make it next to impossible to drive drunk.

The possibility of stiff fines, jail terms, even permanent injury doesn't always deter a driver who has had too much to drink. Drinking itself impairs the thinking process.

Using modern technology to prevent accidents is a far better idea than depending on it after the fact.

The Recorder

JULY 8, 1987

System curbs repeat offenders

Suzanne White
Staff Reporter

Of 60 people in a pilot program in Calvert County where breath-testing ignition systems were installed in the cars of convicted drunk drivers, not one has been rearrested for any traffic violation, according to a preliminary study.

District Court Judge Larry Lamson who started the program, said, "Knock on wood, not one of the 60 people in the program has been in trouble again." None of the offenders have been rearrested for any traffic or criminal violations, the study said.

The drivers who participated in the study were convicted of drinking while driving in Calvert County. Twenty-two questionnaires were mailed and 15 answered.

The average participant was described as age 39, married with a high school education. Lamson said some were second time offenders and others young first time offenders, between ages 18 and 24, who had a high blood alcohol content at the time of their arrest.

Five offenders had been convicted of driving while intoxicated. Fourteen were required to have the system on their cars for 12 months, and one for 24 months. Comments ranged from "It's a good system, but way too much expense for what it is," to "It breaks the ice on a date" to "I wish they were on autos years ago."

Overall, the majority agreed the Guardian Interlock Ignition System, designed to help drinkers change their drinking while driving habits and prevent drunk driving on the roads, was effective at preventing them from driving while under the influence of alcohol. They also agreed with its use in DWI cases.

Program termed success

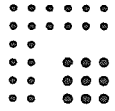
The breath analyzer device is wired to a car's electrical system. A breath sample must be given to start the car. The blood alcohol level is measured when a person blows into an analyzer, at which point the car starts or locks making it inoperable until the state's legal limit registers.

"So far, it has been very successful," Lamson said. "You can't use it on everyone, but certain kinds of people respond very well. There's probably a dozen judges in Maryland who have expressed an interest in getting something started after the preliminary results."

The University of Maryland assigned a doctoral candidate to conduct a study of the system's ability to reduce repeated DWI offenses. The results found in the preliminary study will be further evaluated in a doctoral dissertation.

In addition to having the lock system installed, offenders were referred to an alcoholism services program and required to attend counseling. Lamson said the offenders pay for the devices. In the long run, the system is better than serving 10 to 60 days in jail and having 12 points added to their driver's license.

The breath analyzer system provides a judge with a means to deter drinking while driving, and at the same time, an offender is still able to operate a car and have access to transportation. The system is useful in a rural county where transportation is important to reach one's employment.



GUARDIAN INTERLOCK SYSTEMS

California, Washington, Texas, Michigan and Oregon have passed legislation to arm courts and state agencies with an innovative tool to deter drunken driving, and many other states are considering such legislation.

Is your state included in this roster of concerned and progressive legislatures?

In the past several years, legislators have been overwhelmed with information linking alcohol consumption with traffic accidents and fatalities nationwide. Although legislators are responding by stiffening penalties for drunken driving, citizens are still being arrested again and again for alcohol related traffic offenses.

Guardian Interlock Systems is a leading manufacturer of an innovative device being used by courts and state agencies across the country. The Guardian Interlock™ Ignition System is a breath analyzer that connects to a vehicle's ignition. The driver of a Guardian Interlock equipped vehicle must pass a breath alcohol test before their car can be started. Additionally, the Guardian Interlock includes a variety of tamper-resistant features to deter all but the intended driver from starting the car. Offenders ordered to use the Guardian Interlock participate in the Guardian Interlock Responsible Driver ProgramSM, which is a comprehen-

sive service providing monitoring of offenders with reports generated for judicial or state agencies.

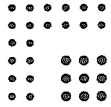
There are many reasons why you should consider ignition interlock legislation.

- Ignition interlock systems lend assurance to the bench and agencies that, when issuing driving privileges to offenders, the health and welfare of the public and of the state will be protected.

- Some state officials see the use of ignition interlock legislation as a means of alternative sentencing for drunken drivers. Judges view the device as an option which provides a constant reminder of the drunken driving offense and educates the offender about the physiological effects of alcohol.

- Studies indicate a promising trend toward permanent behavior change as a result of participating in the Guardian Interlock Responsible Driver Program.

We encourage you to review the enclosed materials and learn more about ignition interlock laws passed in other states. If you would like assistance in drafting legislation or if we can answer any questions concerning the Guardian Interlock Responsible Driver Program, please call our toll free number, 1-800-457-0001 or 303-831-6333.



GUARDIAN INTERLOCK SYSTEMS

The Guardian Interlock Responsible Driver ProgramSM

Program Features

Benefits to the Courts:

- Complete monitoring of offenders on program
- Bi-monthly compliance reports generated for courts
- Administration of program by Guardian Interlock Systems
- Opportunity to grant occupational driver's licenses while protecting society
- Opportunity to alter an offender's drinking/driving behavior through constant reinforcement

Benefits to Drunken Driving Offenders:

- Opportunity to retain driving privileges
- Alternative to lengthy incarceration
- Opportunity to lessen fines
- Optional payment plan
- Education regarding drinking/driving behavior and support for behavior change
- Installation and monitoring appointments made to conveniently fit into work schedule
- Complete training on use of system and program requirements

Guardian InterlockTM Ignition System Features

CBPATM Breath Code

- A learned breath code that must be completed in addition to the breath alcohol test before the vehicle can be started. This deters all but the intended driver from starting the vehicle. Three failures at CBPA deter anyone from starting the vehicle for 45 minutes.

Memo-MinderTM Electronic Program Monitor

- Reminds the interlock user that it is time to return for a monitoring appointment. Three days before the scheduled due date, a light on the unit begins flashing. For seven days beginning on the due date, a sequence of tones accompanies the flashing light. After the seventh overdue day, the car will not start.

GuardlinkTM Anti-Circumvention Diagnostic

- Detects attempted tampering or circumvention. GUARDLINK pushes the device into MEMO-MINDER so that the car must be brought to the service center for inspection where the act is noted and reported.

Retest Feature

- Requires a driver to retest in 20 minutes if alcohol is detected during a breath test even though the device may permit a person to consume a certain amount of alcohol and still drive. If the driver fails to pull over, turn off the car and retest within a five minute period, the vehicle's horn begins to honk intermittently.

Research Indicates Guardian Interlock™ May Change Driver's Drinking Behavior

The most promising trend indicated by drunken driving offenders sentenced to use the Guardian Interlock™ ignition system is their change in behavior toward drinking and driving.

That is one of the results shown in a preliminary pilot study of 15 persons convicted of drunken driving in Calvert County, Md., and assigned to use the Guardian Interlock as part of a condition of probation, according to Elizabeth Baker, a doctoral candidate at the University of Maryland, and the investigator of the study.

In her report, "In-Car, Alcohol Breath Analyzers—A Pilot Study," Baker pointed out that of the 15 offenders researched,

—half said the Guardian Interlock had helped "remind" them of when they had too much to drink,

—more than half indicated that because their cars were equipped with the interlock system, they had made prior arrangements for transportation when they knew they would be drinking.

"This shows a tendency indicating that the (interlock)

system forced the respondents to take responsibility and make decisions before their judgment was impaired by alcohol," said Baker.

Further, Baker said her studies may show "that the system has significant educational value beyond the 12-month period when the system is in the offender's car." Nearly all of the offenders researched were sentenced to use the Guardian Interlock for 12 months.

"The main advantage of these devices is they provide a judge with yet one more deterrence strategy while enabling the offender to still maintain driving privileges...Offenders are prevented from drinking and driving, but they are not prevented from earning a living and taking part in all the daily activities that require an automobile. If the offenders can use the system to help them learn their safe limits, then the advantages of assigning such a system greatly increase."

Baker added that although the results of the study are not statistically significant, "they do indicate trends." The purpose of the study was to obtain data and note general trends for further evaluation in her doctoral dissertation.

THE NATIONAL LAW JOURNAL

An excerpt from *National Law Journal*, Feb. 9, 1987.

A New Push on Drunken Drivers

By Alberta J. Cook
National Law Journal Staff Reporter

...In addition to new laws, anti-drunken-driving forces are harnessing new technologies, such as an interlock device being used in California, that are being implemented to help prevent repeat offenders from getting behind the wheel when they are intoxicated.

...“Nobody is in favor of drunken driving,” says Donald H. Nichols of Minneapolis’ Nichols & Kaster, “but in my mind, the big problem is the repeat offender.”

Interlock System

One deterrent technique that MADD leaders and defense attorneys agree is effective in dealing with repeat offenders is the interlock device being used in California.

The system, installed in the vehicle of a person who has been convicted of drunken driving, requires that the driver breathe into a blood-alcohol testing machine (and register a level below the legal intoxication rate) before the

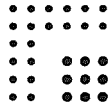
car can be started.

The law, recently enacted by the California Legislature, has been implemented in some counties there. Under the rule, people convicted of drunken driving must install the device as a condition of probation, paying an estimated \$300 installation fee, and may not remove it from their vehicles until the probation period ends.

“That’s the only thing I’ve seen that has any real chance of working,” observes Mr. Nichols, editor of the *Drinking/Driving Law Letter*.

Perhaps the only thing that both sides of the debate agree on is the need for more public education about the dangers of drunken driving.

The ABA study, says Mr. Smith, “concludes that enacting and passing laws is simply not enough. The change is going to have to be made in social outlook on drinking and driving.”



GUARDIAN INTERLOCK SYSTEMS

Guidelines for Legislation on Ignition Interlock Technology

PURPOSE: To reduce the rate of recidivism among drunk drivers.

If you intend to draft legislation on ignition interlock technology, consider these guidelines:

- Specify that the court is encouraged to order the drunk driving offender to engage a service which requires him to utilize an ignition interlock device.
- Require a code on the offender's driver's license that says the offender is under court order to engage in an interlock-based service.
- Require the installer of the device to send proof of initiation of service to the court or probation department within 30 days of sentencing.
- Require checking the interlock system regularly for tampering and calibration. Reports on these checks should be sent to the appropriate agency.

The interlock system must

- operate reliably in unsupervised situations and in any reasonable environment where the automobile is driven.
- provide a range of calibration settings to meet any state requirement for determining blood alcohol concentration.
- be difficult to circumvent.

- resist tampering and indicate evidence if tampering should occur.
- be backed by a company that can assure reliable performance and provide a focal point of responsibility for the manufacture, installation, service and maintenance of the interlock system.
- require a retest within a reasonably short time whenever the driver has been drinking.

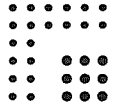
Additionally, the interlock system should

- minimize inconvenience when the user is sober.
- provide the option for an electronic log of the user's experience with the system. This provides hard data for research purposes on how the interlock system changes drinking habits prior to driving.

Lastly,

- criminalize circumventing or tampering with an ignition interlock system.
- criminalize the falsification of records.

Questions or comments? Call us toll-free at 800-457-0001 (in Colorado call 303-831-6333), or write us in care of Guardian Interlock System, Inc., 1009 Grant St., Denver, CO 80203.



GUARDIAN INTERLOCK SYSTEMS

The Guardian Interlock Responsible Driver ProgramSM Payment Plan

Program Term	Initial Pymt At Installation	Bi-Monthly Payment	Total Program Cost
6 Mo.	\$225.00*	\$105.00	\$ 365.00
12 Mo.	195.00*	75.00	500.00
18 Mo.	190.00*	70.00	680.00
24 Mo.	185.00*	65.00	830.00
36 Mo.	185.00*	65.00	1,220.00
48 Mo.	185.00*	65.00	1,610.00
60 Mo.	185.00*	65.00	2,000.00

*Initial payment includes a \$50.00 installation fee, a \$70.00 refundable security deposit and prepayment of a 60 day lease and maintenance of equipment.

- All programs include auto electrical test, installation/ monitoring checks and removal of system.
- Prices do not include any applicable state or local sales, usage, or service tax.
- All payments, certified check, money order or cashier's check, should be made payable to Guardian Interlock Systems. Visa/MasterCard or American Express accepted. NO PERSONAL CHECKS ACCEPTED.

SAMPLE

Guardian Interlock Responsible Driver ProgramSM Policies and Procedures

The following must be fully explained to the defendant, signed and dated.

- 1. APPOINTMENTS.** I understand that I must make all appointments prior to the due date.
- 2. REPORTING.** I understand that compliance or non-compliance reports regarding my participation in the program will be sent directly to probation.
- 3. AUTO ELECTRICAL TEST.** I understand that the designated vehicle will be inspected prior to installation. If the vehicle fails to meet the electrical tests, I will repair the vehicle at my own expense.
- 4. PAYMENTS.** I understand that all financial arrangements are between myself and Guardian Interlock Systems.

Payment is accepted through VISA, MASTER CARD, AMERICAN EXPRESS, CERTIFIED CHECK OR MONEY ORDER. NO PERSONAL CHECKS ARE ACCEPTED.

- 5. TAXES.** I understand that any applicable sales, usage or service tax will be added to the cost of the program.
- 6. REFUNDS.** I understand that in the event of license revocation or probation violation there will be no refunds. There will be no refunds on 6 month or 12 month programs. If after 12 months, the court no longer requires that I have the program, I will be entitled to a refund on a pro-rated basis.
- 7. CHANGE OF VEHICLES.** I understand that if I desire to have the system installed in another vehicle not listed on the probation order, that I will have to obtain written permission to do so from the Court. A charge will be assessed for a re-installation.

- 8. GUARDIAN'S RESPONSIBILITIES.** I understand that effective upon payment of the invoiced amount due, Guardian Interlock will supply me with the system described in the invoice. Guardian Interlock shall cause the system to be installed, mandatory monitoring checks done, de-installation and any warranty and maintenance work required.
- 9. WARRANTY.** I understand that Guardian Interlock will supply me with a warranty at the time of installation.

CONSENT: I HAVE READ OR HAVE HAD EXPLAINED TO ME, THE ABOVE POLICIES AND PROCEDURES OF THE GUARDIAN INTERLOCK RESPONSIBLE DRIVER PROGRAM. I AGREE TO ABIDE BY THESE POLICIES IN ORDER TO SUCCESSFULLY COMPLETE THE PROGRAM. I UNDERSTAND THAT IF I FAIL TO FOLLOW THESE POLICIES I MAY FAIL TO COMPLETE THIS PROGRAM. SUCH A FAILURE WOULD BE A VIOLATION OF MY PROBATIONS. IF YOU HAVE ANY QUESTIONS BEFORE SIGNING THIS AGREEMENT PLEASE CALL 1-800-457-0001 AND ASK FOR CUSTOMER SERVICE.

Date / / Defendant_____

FOR INSTALLATION APPOINTMENT CONTACT
Guardian Interlock Systems, Inc.
Marty Foltz, Manager
4836 Duff Driver, Unit D-1
Cincinnati, OH 45246
(513) 874-7775

SAMPLE

STATE OF CALIFORNIA
MUNICIPAL COURT OF
COUNTY OF SAN DIEGO

People of _____
vs

_____ Defendant

_____ Case number

ADDENDUM TO CONDITIONS OF PROBATION

At a session of said Court held this _____ day of _____ 19_____, the above named defendant having been convicted of the offense of _____, the following terms and conditions shall be required to obtain a restricted driving privilege.

1. The defendant will have a Guardian Interlock installed in the vehicle listed below within twenty days of this order.
2. The defendant will only operate a vehicle equipped with a Guardian Interlock System.
3. The defendant will have monitoring checks performed every 60 days.
4. The defendant will not adjust, tamper with, alter, or circumvent the Guardian Interlock System installed or the electrical wiring to the unit, of the unit, or to the ignition system nor remove the unit from the designated vehicle.
5. The defendant agrees to abide by the policies and procedures of the Guardian Interlock Responsible Driver Program.

6. Calibration setting is _____ .03 with CBPA.

7. Program length _____ 6 mo: _____ 12 mo:
_____ 18 mo: _____ 24 mo: _____ 36 mo:

Judge's Signature

Defendant _____
Address _____
City _____ State _____ Zip _____
Telephone _____ h _____ w
Vehicle make _____ model _____ VIN _____
Color _____ Year _____ License Plate No: _____

Date: _____
Defendant Signature

Date: _____
Assigned Monitor
Probation Department
San Diego County

Q. What are the benefits of participating in the Guardian Interlock Responsible Driver Program?

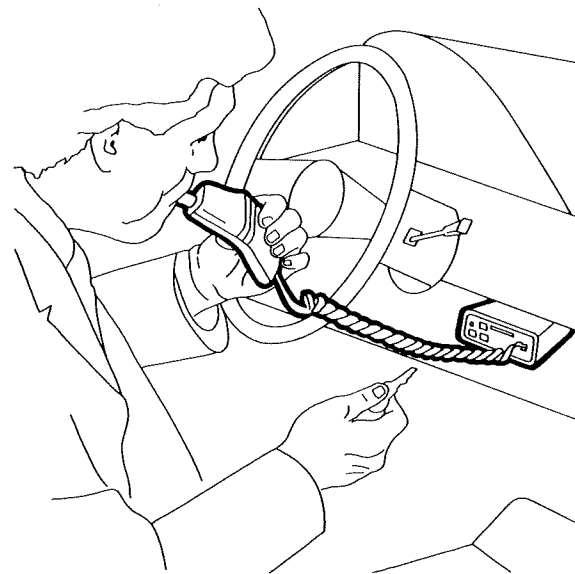
A. Most participants in the program are on probation for one or more drinking and driving offenses. Offenders who want to help monitor themselves and who agree to participate in the Guardian Interlock Responsible Driver Program are permitted privileges that the court would not otherwise be inclined to grant.

Officials are responding very positively to offenders who choose to participate in this program. They recognize that the Guardian Interlock Responsible Driver Program can help you learn to drink responsibly and to drive safely. It may even keep you from repeating your offense.

Further, drinking and driving offenses affect your insurance rates for up to five years. However, as a participant in the Guardian Interlock Responsible Driver Program, you may qualify for a reduced insurance premium.

Remember, when you choose to participate in the Guardian Interlock Responsible Driver Program, you are given the opportunity to retain a privilege and to make wiser decisions about drinking and driving.

Questions and Answers



Q. What is the Guardian InterlockTM system?

A. The Guardian Interlock system is an alcohol detection device that is connected to your vehicle's ignition system. Each time you start your car, you must first blow into the hand-held part of the unit so that it can test your breath for alcohol. If you pass the test, you can start the car. If you do not pass the test, the car will not start.

Q. What is the Guardian Interlock Responsible Driver ProgramSM ?

A. The Guardian Interlock Responsible Driver Program can help you become a more responsible driver and keeps the court informed of your progress.

Usually, participating in the program is a condition of your probation. Once you agree to be part of the program, typically this is what happens:

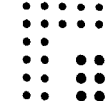
1. An officer of the court helps you enroll in the program.
2. Next, you call the Guardian Interlock Service Center nearest you to make an appointment. Installation can be done at a time convenient to your work schedule.
3. At the time of installation, a Guardian Interlock service technician shows you how to use the system properly.
4. Finally, you are required to report to the Guardian Interlock Service Center at specific times, so that the unit can be checked and your progress can be reported to the courts.

GUARDIAN INTERLOCK is a trademark of
GUARDIAN INTERLOCK SYSTEMS, a division of
GUARDIAN TECHNOLOGIES, INC.

U.S. and foreign patents issued.

1-800-457-0001

© 1987 Guardian Interlock Systems



GUARDIAN INTERLOCK SYSTEMS

Payment Options

The Deferred Payment Plan For The Guardian Interlock Responsible Driver Program

Program Term	Initial Pymt At Installation	Pymt due Every 60 Days
6 Mo.	\$225.00*	\$105.00
12 Mo.	195.00*	75.00
18 Mo.	190.00*	70.00
24 Mo.	185.00*	65.00
36 Mo.	185.00*	65.00
48 Mo.	185.00*	65.00
60 Mo.	185.00*	65.00

*Initial payment includes a \$50.00 installation fee and a \$70.00 security deposit refundable upon completion of the terms of the lease.

NOTE: Prices do not include any applicable sales, state, or local tax.

Q. Can I cheat the system?

A. Before you can start the car, the system requires that you complete a user identification code, which you are taught when the system is installed. This feature deters any untrained person from starting your car. Also, the system has electronic memory which records attempts to tamper with the system. All records of tampering are reported to the courts.

Q. How do I begin the program?

A. First you should:

1. contact your defense attorney, judge, or prosecuting attorney and request to participate in the program.
2. complete the forms with your probation officer or court clerk.
3. make an installation appointment; the phone number for the nearest Guardian Interlock Service Center is listed on the insert.
4. arrive at the Service Center at the appointed time; a map to the nearest Guardian Interlock Service Center is shown on the insert.

Q. Then what?

A. During the installation appointment the service technician will help you practice using the system, answer any questions you might have, and give you a schedule of the required check up appointments. The service technician will automatically report your progress to the courts.

Q. How long does the program last and how much does it cost?

A. The court determines how long you must be in the program as noted on your court order. The program costs less than \$1.50 a day and, in many cases, convenient payment plans are offered. This charge covers the lease of the system and all scheduled appointments.

Q. Will my car start if I have been drinking?

A. When your system is installed, the service technician will explain to you the alcohol settings for your assigned system and the different conditions that can cause you to fail the breath test.

If you fail the test because your alcohol is too high, you may continue to re-test until you are sober enough to start the car or you must find alternative transportation.

Q. What if the system fails and I cannot get my car started?

A. First review the operating instructions you will have received at the time of installation. You can also call your local Service Center or call the 24 hour, toll free 800 number, 1-800-457-0001.

Q. Is the Guardian Interlock system difficult to use?

A. Learning to use the Guardian Interlock system is not difficult. The installation appointment includes a simple but complete video training program, practicing with a demonstrator system, and successfully using your own system. After a few days, using the system will become second nature, no more inconvenient than buckling your seat belt.

Q. What if someone else wants to drive my car?

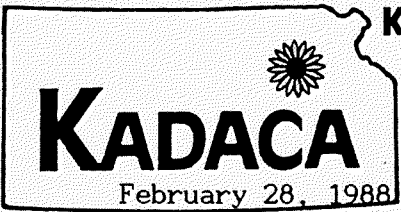
A. Any family member who uses your car should come with you when the system is first installed. They too will be taught how to use the system. If more convenient, family members may come at a later date to learn to use the system.

Q. Will the Guardian Interlock system work in my car?

A. The system is designed to work in all cars and trucks. As an additional service, your vehicle's electrical system is tested to ensure that it works properly. In the event that the electrical system needs repair, you must have the repair work completed before the system can be installed.

Q. Can it affect my car?

A. The Guardian Interlock system is connected to the ignition system that is returned to "normal" when the system is removed. Care is taken when installing the system in order not to disturb the interior of your car.



TO: Honorable Senator Robert Frey
Senate Judiciary Committee Members

FROM: Elizabeth E. Taylor, Association Director
Kansas Alcoholism and Drug Addiction Counselors Association

RE: Counselor Certification

At the Senate Judiciary Committee hearing recently on installation of ignition interlock systems for DUI offenders and mandating of evaluations for juvenile offenders of alcoholism and drug offenses, questions were raised concerning the quality of programs providing alcoholism and drug addiction services.

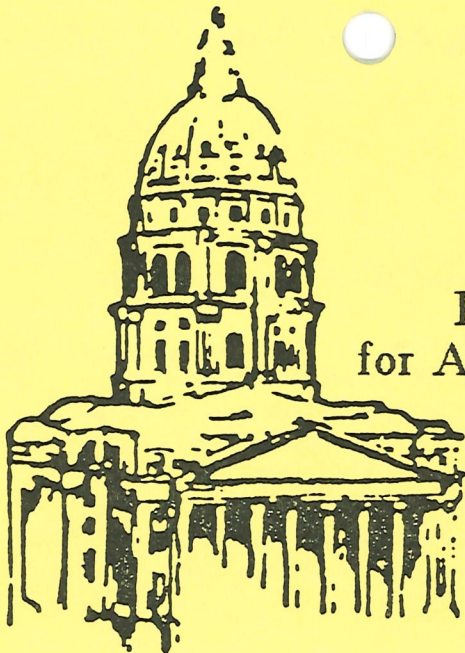
Commissioner Andrew O'Donovan, SRS/ADAS and a Certified Alcoholism and Drug Addiction Counselor through KADACA, indicated that there are no standards for the quality of counselors in this state and that standards are only available for the licensing of the program itself through SRS/ADAS.

I wish to clarify this statement by reminding the committee that there currently are some means of minimal standards for alcoholism and drug addiction counselors, realizing that this is provided by KADACA and not by the state and that our certification process is not mandatory. No state requirements exist for this certification, but voluntary ones do exist.

The KADACA Certification Process is outlined in great detail in the enclosed "Tools Packets" which KADACA published for use by its members in seeking passage of SB 147, the Licensure of Alcoholism and Drug Addiction Counselors, introduced into the 1987 Kansas Legislature. I would point out that the bill has been tabled by the Senate Public Health and Welfare Committee until review of such licensure by the State Certification Process (formerly SHCC). KADACA would note that, as indicated in the "Tools Packet", there are several reasons why we brought the licensure effort to the Legislature instead of applying for SHCC. These reasons include the fact that Alcoholism and Drug Addiction are diseases and not a matter of behavior and that the certification requirements, as nationally commissioned and approved by over 30 states, indicate that requirements for alcoholism and drug addiction counselors are "competency-based" and not solely based on academia.

The KADACA Certification Requirements are well defined and extensive. We estimate, from SRS/ADAS surveys, that approximately 1000 are providing alcoholism and drug addiction counseling services in Kansas. Approximately 350 of those are voluntarily KADACA Certified. We think minimal requirements are very important for alcoholism and drug addiction counselors and support the state mandate for licensure as outlined in the enclosed packet.

I hope this brief explanation clarifies that, although the state does not have the statutory authority to regulate alcoholism and drug addiction counselors, KADACA does maintain an extensive set of criteria and does support the licensure of alcoholism and drug addiction counselors as outlined in our position statement enclosed.



KADACA LEGISLATIVE TOOLS for ALCOHOLISM and DRUG ADDICTION COUNSELOR LICENSURE

January, 1987

Enclosed are the legislative tools which KADACA will be using in the effort to mandate licensure of Alcoholism and Drug Addiction Counselors through legislation. These tools have been developed by the KADACA Ad Hoc Planning and Development Committee over the past several months and are intended to help Alcoholism and Drug Addiction Counselors and other interested parties understand the need for licensure of Alcoholism and Drug Addiction Counselors.

The materials enclosed herein are:

- KADACA Position Paper which describes the need for licensure and its rationale (canary yellow sheets);
- KADACA Prospectus which details the objectives KADACA wishes to achieve through legislation (canary yellow sheets);
- Common questions asked about licensure of Alcoholism and Drug Addiction Counselor licensure and KADACA's answers to these questions (blue sheets);
- "Grandfathering" statement which defines the provisions found in the bill (white sheets);
- Alcoholism and Drug Addiction Counselor Licensure Bill to be introduced into the 1987 Kansas Legislature (white sheets);
- KADACA National Affiliations (white sheets); and
- KADACA Criteria for Certification currently used by those who voluntarily certify (canary yellow sheets).

In your support of the licensure of Alcoholism and Drug Addiction Counselors, KADACA hopes that you will utilize these materials. For further information on the licensure effort, contact Elizabeth E. Taylor, KADACA Association Director, 112 West Sixth Street, P.O. Box 1732, Topeka, KS 66601, 913-233-7145.

NOTE: If you do not know who your legislators are, contact your County Elections Commissioner (telephone number found in the government listings of the telephone directory). They can tell you who your Representatives and Senators are by your address.



Position Paper - Alcoholism and Drug Addiction Counselor Licensure

Counselor Credentialing in Kansas has been performed by a voluntary process under the professional association for the past 10 years. The current credentialing system reflects a "state of art" process that has evolved over this time. KADACA is a charter member of the National Association of Alcoholism and Drug Abuse Counselors. The KADACA certification requirements and testing methodology is approved by the Certification Reciprocity Consortium which sets the national standards for Alcoholism and Drug Addiction Counselors based upon the most current research on competency-based credentialing.

It is the position of KADACA that this credential become a mandatory standard for professional competency to practice Alcoholism and Drug Addiction Counseling in the state of Kansas through legislative action. This credentialing would be administered by a Licensure Board representing professionals in the field, other health professionals and the public. Provisions will be made to acknowledge those practicing alcoholism and drug addiction counseling under minimum criteria.

The rationale for such legislative action is as follows:

1. To promote the highest degree of professional care for clients and their families by mandating minimum standards of competency. Currently in Kansas there is no requirement for knowledge, experience, or expertise. Counselors who currently undergo certification do so voluntarily.
2. To insure that practicing counselors are in compliance with state and nationally recognized Code of Ethics and Standards for Professional Conduct.
3. To specify that the credentialing process is specific to the body of knowledge of our field.
4. To insure professional development and growth through licensure renewal requirements of ongoing education.
5. To insure that the credentialing will not entail further incumbrance of public tax dollars.
6. To insure that credentialing would be administered by trained evaluators experienced in recognized methodologies of alcoholism and drug addiction counseling and standardized measurements of competency.

Further the proposed licensure legislation:

- a. Does not require modification or appeal of existing legislation. Promotes public awareness and knowledge of addictive disease and encourages seeking of appropriate professional care and
- b. insures third party payors that services are being rendered by competent treatment professionals, as is done in other states, thereby increasing public access to competent care.

KADACA PROSPECTUS - COUNSELOR LICENSURE
Revision Adopted by Committee
December 10, 1986

Below are the objectives for the state licensure of alcoholism and drug addiction counselors as proposed by the Kansas Alcoholism and Drug Addiction Counselors Association. The objectives will be used in assisting the State Revisor in the development of legislative language to be introduced into the 1987 Kansas Legislature.

- The body which will license alcoholism and drug addiction counselors will be a separate agency of the government of the state of Kansas called the "board of alcoholism and drug addiction professionals".
- Purpose. Recognizing that the practice of alcoholism and drug addiction counseling would be a privilege granted by legislative authority and, under licensure would not be a natural right of individuals, it is deemed necessary as a matter of policy in the interest of public health, safety and welfare, to provide laws and provisions covering the granting of that privilege and its subsequent use, control and regulation to the end that the public shall be properly protected against unprofessional, improper, unauthorized and unqualified practice of alcoholism and drug addiction counseling and from unprofessional conduct by persons licensed to practice under this act.
- Specific functions of the board include, but are not limited to:
 - a) Administration of the licensure process;
 - b) Administration of renewal process;
 - c) Administration of ongoing training program for case presentation evaluators;
 - d) Awarding of licensure and renewal to qualified applicants;
 - e) Administration of professional code of ethics;
 - f) Establishment of procedures for periodic review of standards, examinations and revisions where appropriate;
 - g) Development of policies and procedures for handling grievances, revocations and appeals;
 - h) Setting of all fees in licensure/renewal process;
 - i) Preparation of annual budget;
 - j) Negotiations for recognition of licensure and reciprocity agreements with other states and other licensing, accreditation and/or certifying bodies; and
 - k) Hiring of staff to carry out functions of the Board.

~(continued on page 4)

(continued from page 3)

- Composition of the board: The board shall consist of nine members appointed by the governor as follows: Five shall be alcoholism and drug addiction counselors and four shall be representatives of the general public. Each member of the board who is an alcoholism and drug addiction counselor shall be licensed or eligible for licensure under this act. In making these appointments the governor shall make as far as practicable appointments so that the members of the board will be representative of the geographical areas of the state.
- Appointment to the board and term of office of each member of the board shall be three years, except that for members first appointed to the board three shall be appointed for terms of one year, three shall be appointed for terms of two years and three shall be appointed for terms of three years as designated by the governor. Members of the board may be removed for cause. Upon the death, resignation or removal for cause of any member of the board, the governor shall fill such vacancy for the remainder of such member's term. For the initial appointment of the five alcoholism and drug addiction counselor members and for subsequent appointments upon vacancies in such positions, the Kansas Alcoholism and Drug Addiction Counselors Association shall submit to the governor a list of alcoholism and drug addiction counselors containing names of not less than three times the number of persons to be appointed and appointments shall be made after consideration of such list.
- Fees. The Board shall charge and collect in advance fees established such as to maintain self-sufficiency of the Board.
- The Board may develop rules and regulations to direct the duties and powers as described above.
- Nothing in the act shall be construed to prevent qualified members of other professions from doing work of a counseling nature with alcoholics and drug addicts consistent with their training and consistent with any code of ethics of their respective profession so long as they do not hold themselves out to the public as alcoholism and drug addictions counselors as licensed under this act.

NOTE: Until such time as the proposed licensure of alcoholism and drug addiction counselors is passed, KADACA will maintain certification of alcoholism and drug addiction counselors. Until licensure is achieved, the language above which specifies 'licensed' counselor will refer to the current 'certified' counselor.

----- Statutory language versus Regulations. The basic foundations of the licensure of alcoholism and drug addiction counselor will be put into the proposed bill (statute). All technicalities needed to make the legislative intentions work will be developed by the board under its authority to make rules and regulations. Technical questions such as continuing education hours, requirements for reciprocity, etc. will be considered by the rules and regulations process instead of being written into the legislation.

COMMON QUESTIONS ASKED ABOUT THE LICENSURE OF ALCOHOLISM AND DRUG ADDICTION COUNSELORS

The Kansas Alcoholism and Drug Addiction Counselors Association consists of over 300 Associate, Certified and Senior Certified Alcoholism and Drug Addiction Counselors in Kansas. In July, 1986, the membership strongly affirmed its support of seeking a legislative mandate for the licensure of ALL Alcoholism and Drug Addiction Counselors in Kansas. Below are some common questions asked by the public, counselors, and policy makers on the licensure effort undertaken by KADACA. Legislation will introduced into the 1987 Kansas Legislature in an effort to make this licensure possible.

Who are Alcoholism and Drug Addiction Counselors?

Alcoholism and Drug Addiction Counselors, under current law, can be anyone. Those Alcoholism and Drug Addiction Counselors who voluntarily become credentialed through KADACA show minimum qualifications at three levels of competency. Alcoholism and Drug Addiction Counselors, whether voluntarily certified or not, can be employed in services such as education, intervention, detoxification, outpatient treatment, residential treatment, inpatient treatment, and aftercare treatment. To work in these facilities providing alcoholism and drug addiction counseling to patients and their families currently requires no experience or education in the disease of alcoholism and addiction.

What are the requirements to be an Alcoholism and Drug Addiction Counselor?

Again, there are no requirements for becoming an alcoholism and drug addiction counselor under Kansas law.

What form of credentialing is currently available for Alcoholism and Drug Addiction Counselors?

Alcoholism and Drug Addiction Counselors may credential voluntarily through the Kansas Alcoholism and Drug Addiction Counselors Association. The credentials available are:

Associate Alcoholism and Drug Addiction Counselor which requires a minimum level of experience in the field (1 year) and educational coursework (90 hours) in order to be eligible;

Certified Alcoholism and Drug Addiction Counselors must meet more extensive qualifications. These include three years experience in the field, 270 hours of education coursework, 300 hours of practical experience in 12 defined counseling skills (core functions), and the successful passage of both written and oral examinations.

Senior Certified Alcoholism and Drug Addiction Counselors must have practiced alcoholism and drug addiction counseling for 5 years, demonstrate supervisory skills education and successfully pass the written examination with a greater level of proficiency than accepted for the Certified Counselor.

Why do Alcoholism and Drug Addiction Counselors need to be licensed?

Alcoholism and Drug Addiction Counselors need to be licensed primarily for the protection of the public. With no current requirements of a person practicing alcoholism and drug addiction counseling, addicts and their families have no protection for the services they receive. No ethical, education, experiential standards are guaranteed. At the time counseling services are provided the patient and his family are very dependent on those services for the maintenance of employment, the family and even SURVIVAL. Kansas citizens should be afforded the protection of minimal requirements of the Alcoholism and Drug Addiction Counselors providing these essential services.

(continued on page 6)

(continued from previous page)

Why not license Alcoholism and Drug Addiction Counselors under an existing board?

For example, why not the Behavioral Sciences Regulatory Board?

The Behavioral Sciences Regulatory Board has been established to regulate professions which are academia-based. National statistics and studies will affirm that the Alcoholism and Drug Addiction profession MUST remain one which is experientially AND educationally based. The devastating effects of alcoholism and drug addiction are so paramount in today's society that they require separate consideration. The state of Kansas shows its belief in this necessity of separation by providing for the division of Alcohol and Drug Abuse Services. Nationally we see the same reaffirmation of the separate nature of services for this affliction.

Why not the SRS/ADAS?

The division of Alcohol and Drug Abuse Services of the department of Social and Rehabilitation Services are, under state law (KSA 65-4106), prohibited from participating in the selection of employees which provide alcoholism and drug addiction services. Further, the KADACA believes that the department which controls the funding for programming should not be allowed to also control the selection of employees for that facility. The KADACA sees a very clear conflict of interest in such a policy.

The Kansas Legislature established the Statewide Health Coordinating Council approximately 10 years ago to review applicant groups seeking licensure by the Kansas Legislature.

Why shouldn't the Alcoholism and Drug Addiction Counselors go through the SHCC process before proposing licensure to the Legislature?

The SHCC process was established to provide a means of receiving and reviewing information about groups seeking licensure. Many of these had not formerly been established and did not have their base of knowledge established as a health care provider. Alcoholism and Drug Addiction Counseling is a nationally established profession with national statistics and studies which already document and verified the information which would be sought by the SHCC. KADACA believes it would be wasteful and inefficient for the state of Kansas to spend the time and money needed for the lengthy and complex SHCC process when the information SHCC would receive is already available.

What would the effects of licensure of Alcoholism and Drug Addiction Counselors be on public health?

The public health of Kansas who receive Alcoholism and Drug Addiction Counseling services would be protected more than it is protected under the current law (where protection is nonexistent). Consumers of Alcoholism and Drug Addiction Counseling services would be assured that those practicing in the field would have to meet at least minimal requirements of education and experience before they could practice as an Alcoholism and Drug Addiction Counselor.

What effect would licensure have on the availability of Alcoholism and Drug Addiction Counselors?

Under the KADACA proposed legislation, availability of Alcoholism and Drug Addiction Counselors would be minimally affected if at all. Currently approximately 1000 are practicing Alcoholism and Drug Addiction Counseling (this estimate provided by SRS/ADAS); however, only 300 Alcoholism and Drug Addiction Counselors are credentialed by KADACA. Under licensure it would no longer be possible for those with little or no education or experience in Alcoholism and Drug Addiction Counseling to provide services of Alcoholism and Drug Addiction Counseling (except as provided by separate licensing authority).

(continued on page 19)



Kansas Alcoholism and Drug Abuse Counselors Association

KADACA LICENSURE LEGISLATION GRANDFATHERING PROVISIONS

Grandfathering is provided in the KADACA licensure legislation in two ways:

For currently certified alcoholism and drug addiction counselors:

"Those persons who are certified on the effective date of this act by the Kansas alcoholism and drug addiction counselors association as alcoholism and drug addiction counselors shall be licensed under the provisions of this act as alcoholism and drug addiction counselors."

For currently practicing, but uncertified, alcoholism and drug addiction counselors:

"Those persons who, on the effective date of this act, can demonstrate as determined by the board practice of alcoholism and drug addiction counseling during 3 of the 5 years prior to application shall be licensed under the provisions of this act as alcoholism and drug addiction counselors."

For those practicing other professions:

"Nothing in this act shall be construed to prevent qualified members of other professions from doing work of a counseling nature with alcoholics and drug addicts consistent with their training and consistent with any code of ethics of their respective professions so long as they do not hold themselves out to the public as licensed alcoholism and drug addiction counselors."



Kansas Alcoholism and Drug Abuse Counselors Association

TO: KADACA Membership
FROM: Elizabeth E. Taylor, Association Director
RE: A/D Counselor Licensure Bill

The following is a copy of the A/D Counselor Licensure Bill which the KADACA Planning and Development Committee has approved for introduction into the 1987 Kansas Legislature. Please note the following provisions in the bill:

- A/D Counselors will fall under the authority of the state "board of alcoholism and drug addiction professionals" which is set up as a separate agency as defined on page 1 of the bill;
- "Practice of alcoholism and drug addiction counseling" is defined on page 1 of the bill;
- Composition of the board is 9 members, five of which are A/D Counselors and 4 are members of the public as described on page 2 New Section 3 (a) of the bill;
- Term of office is described on page 2 New Section 3 (b);
- Duties of the board are described on page 3 New Section 4;
- Who is eligible for licensure is described on page 4 New Section 5;
- Grandfathering is provided on page 5 New Section 7 (a) for KADACA Certified Counselors, and page 5 New Section 7 (b) for those who are not certified but are practicing as A/D counselors;
- Fees for licensure are described on page 6 New Section 11;
- Exemption for those practicing other licensed professions is described on page 7 New Section 12;
- All provisions from Section 14 on relate to the distribution of the portion of the fee which is deposited to the general fund and used for the corn commission, wheat commission, etc and do not affect A/D licensure. Please disregard this portion of the bill - it is common for all licensure bills.

If you have any questions about the bill or the legislative process, please feel free to contact me, Ron Eisenbarth (Legislative Chair) or Virginia Arnold (KADACA President).

By

AN ACT providing for the licensing of alcoholism and drug addiction counselors; establishing the board of alcoholism and drug addiction professionals and providing for the powers, duties and functions thereof; establishing the alcoholism and drug addiction counselors fee fund; declaring certain acts to be unlawful and prescribing penalties for violations; amending K.S.A. 1986 Supp. 75-3170a and repealing the existing section.

Be it enacted by the Legislature of the State of Kansas:

New Section 1. As used in sections 1 to 13, inclusive, of this act:

(a) "Board" means the board of alcoholism and drug addiction professionals.

(b) "Licensed alcoholism and drug addiction counselor" means a person licensed under the provisions of this act to practice alcoholism and drug addiction counseling.

(c) "Practice of alcoholism and drug addiction counseling" means the activity of counseling individuals and families with problems caused by the effects of the abuse of or addiction to alcohol or drugs, or both, including but not limited to physiological and pharmacological effects, psychological effects including family illnesses and socio-cultural effects. The practice of alcoholism and drug addiction counseling requires a comprehensive knowledge of the diseases of addiction, their development, process and progression and human development and behavior, of family dynamics and interaction, of environmental and socio-cultural aspects of minorities and special groups and of the signs and symptoms of alcoholism and drug addiction. The practice of alcoholism and drug addiction counseling includes the

(continued on next page)

(continued from previous page)

- 2 -

use of basic communication skills, the use of analytical skills in evaluation and assessment, case planning, referral skills and treatment through counseling.

New Sec. 2. No person shall hold oneself out to the public or represent oneself by any title or description of services incorporating the words "licensed alcoholism and drug addiction counselor" or any abbreviation of such title authorized by the board, and under such title, description or abbreviation, or any word, letter, signs, figures or devices which indicate that the person using the same is licensed under this act, offer to render or render services to individuals, corporations or the public for a fee, monetary or otherwise, unless such person is a licensed alcoholism and drug addiction counselor.

New Sec. 3. (a) There is hereby created the board of alcoholism and drug addiction professionals. The board shall consist of nine members appointed by the governor as follows: Five shall be alcoholism and drug addiction counselors and four shall be representatives of the general public. Each member of the board who is an alcoholism and drug addiction counselor shall be licensed or eligible for licensure under this act. In making these appointments the governor shall make as far as practicable appointments so that the members of the board will be representative of the geographical areas of the state.

(b) The term of office of each member of the board shall be three years, except that for members first appointed to the board three shall be appointed for terms of one year, three shall be appointed for terms of two years and three shall be appointed for terms of three years as designated by the governor. Members of the board may be removed for cause. Upon the death, resignation or removal for cause of any member of the board, the governor shall fill such vacancy for the remainder of such member's term. For the initial appointment of the five alcoholism and drug addiction counselor members and for subsequent appointments upon vacancies in such positions, the Kansas alcoholism and drug addiction counselors association shall submit to the governor a

(continued from previous page)

- 3 -

list of alcoholism and drug addiction counselors containing names of not less than three times the number of persons to be appointed and appointments shall be made after consideration of such list.

(c) The board may appoint an executive secretary who shall be in the unclassified service under the Kansas civil service act and shall receive an annual salary fixed by the board, subject to approval by the governor. The board may employ clerical personnel and other assistants, all of whom shall be in the classified service under the Kansas civil service act. The board may make and enter into contracts as necessary for the performance of its powers, duties and functions.

(d) Members of the board attending meetings of such board or attending a subcommittee meeting thereof authorized by such board shall be paid amounts provided in subsection (e) of K.S.A. 75-3223 and amendments thereto.

New Sec. 4. The board shall have the following powers, duties and functions for the purpose of administering the provisions of this act:

(a) Annually publish a list of the names and addresses of all persons who are licensed under this act;

(b) recommend to the appropriate district or county attorney prosecution for violations of this act;

(c) prescribe the form and contents of examinations required for licensure under the provisions of this act;

(d) prescribe and enforce rules and regulations for professional conduct of licensed alcoholism and drug addiction counselors;

(e) enter into contracts necessary for the administration of this act;

(f) adopt an official seal;

(g) appoint an executive secretary and other employees as provided in section 3;

(h) adopt and enforce rules and regulations establishing requirements for the continuing education of persons licensed

(continued from previous page)

- 4 -

under this act, which rules and regulations shall not require more than 60 clock hours of continuing education every two years; and

(i) adopt such other rules and regulations necessary for the administration of this act.

New Sec. 5. The board shall issue a license as an alcoholism and drug addiction counselor to an applicant who

(a) has graduated from a high school accredited by the appropriate legal accrediting agency or has otherwise attained the equivalent of a high school education;

(b) has at least three years of full-time, paid supervised experience in one or more areas of alcoholism and drug addiction counseling as determined by the board;

(c) has completed 270 clock hours of training programs in alcoholism and drug addiction counseling approved by the board;

(d) has at least 300 hours of supervised practical experience as determined by the board in the following 12 nationally recognized alcoholism and drug addiction counseling core functions: (1) Screening of clients for program admission; (2) intake assessment procedures for program admission; (3) orientation of the client to program requirements; (4) assessment of client for development of a treatment plan; (5) treatment planning for client; (6) counseling; (7) case management; (8) crisis intervention; (9) client education; (10) referral of client for assistance to appropriate individuals or support systems within the community, or both; (11) reports and record keeping; and (12) consultation with other professionals in regard to client treatment and services; and

(e) has completed successfully oral and written examinations as determined by the board.

New Sec. 6. The board may issue a temporary license to practice as a licensed alcoholism and drug addiction counselor under such circumstances as may be specified by rules and regulations of the board. A temporary license shall be effective for a period of time specified by the board but shall not exceed

six months.

New Sec. 7. (a) Those persons who are certified on the effective date of this act by the Kansas alcoholism and drug addiction counselors association as alcoholism and drug addiction counselors shall be licensed under the provisions of this act as alcoholism and drug addiction counselors.

(b) Those persons who, on the effective date of this act, can demonstrate, as determined by the board, the practice of alcoholism and drug addiction counseling during three of the five years prior to application shall be licensed under the provisions of this act as alcoholism and drug addiction counselors.

New Sec. 8. The board may refuse to grant or renew a license or may suspend or revoke a license issued under this act upon proof, after a hearing, that the applicant for a license or the licensee:

(a) Has been convicted of a felony and, after investigation, the board finds that the applicant for a license or the licensee has not been sufficiently rehabilitated to merit the public trust; or

(b) has been found guilty of fraud or deceit in connection with services rendered as a licensed alcoholism and drug addiction counselor or in establishing required qualifications under this act; or

(c) has knowingly aided or abetted a person, not a licensed alcoholism and drug addiction counselor, in representing such person as a licensed alcoholism and drug addiction counselor in this state; or

(d) has committed unprofessional acts as defined by rules and regulations of the board; or

(e) has been negligent or has committed wrongful acts in the performance of the duties of an alcoholism and drug addiction counselor.

New Sec. 9. Proceedings under this act shall be conducted in accordance with the Kansas administrative procedure act. Judicial review and civil enforcement of agency actions under

(continued from previous page)

- 6 -

this act shall be in accordance with the act for judicial review and civil enforcement of agency actions.

New Sec. 10. (a) All licenses shall be effective on the date issued or renewed by the board and shall expire two years subsequent to the date of issuance or renewal.

(b) Except as otherwise provided in section 8, a license may be renewed by the payment of the renewal fees set forth in section 11 and the execution and submission of a signed statement on a form to be provided by the board attesting that the applicant's license has not been denied, revoked or currently suspended and that the applicant has met the requirements for continuing education established by the board.

New Sec. 11. (a) The following license fees shall be fixed by the board by rules and regulations in accordance with the following limitations:

- (1) Application fee for a license as an alcoholism and drug addiction counselor shall be not more than \$75;
- (2) examination fee shall be not more than \$100;
- (3) license renewal fee shall be not more than \$100;
- (4) temporary license fee shall be not more than \$50; and
- (5) certified copy of license shall be not more than \$20.

(b) Subject to limitations established under subsection (a), fees shall be fixed under subsection (a) in amounts necessary to cover all expenses of the administration of this act.

(c) The board shall remit all moneys received from fees, charges or penalties to the state treasurer at least monthly. Upon receipt of such remittance, the state treasurer shall deposit the entire amount thereof in the state treasury. Twenty percent of each such deposit shall be credited to the state general fund and the balance shall be credited to the alcoholism and drug addiction counselors fee fund, which fund is hereby established. All expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by

(continued on next page)

the board or a person designated by the board.

New Sec. 12. Nothing in this act shall be construed to prevent qualified members of other professions from doing work of a counseling nature with alcoholics and drug addicts consistent with their training and consistent with any code of ethics of their respective professions so long as they, do not hold themselves out to the public as licensed alcoholism and drug addiction counselors.

New Sec. 13. (a) On and after July 1, 1988, it shall be unlawful for any person to:

(1) Obtain or attempt to obtain a license or renewal thereof by fraudulent representations;

(2) knowingly make a false statement in connection with any application under this act; or

(3) violate any provision of section 2.

(b) Any person convicted of an unlawful act under subsection (a) shall be guilty of a class B misdemeanor.

Sec. 14. K.S.A. 1986 Supp. 75-3170a is hereby amended to read as follows: 75-3170a. (a) The 20% credit to the state general fund required by section 11 and K.S.A. 1-204, 2-2609, 2-3008, 9-1703, 16-609, 16a-2-302, 17-1271, 17-2236, 17-5609, 17-5610, 17-5612, 17-5701, 20-1a02, 20-1a03, 34-102b, 44-324, 44-926, 47-820, 49-420, 55-131, 55-155, 55-609, 55-711, 55-901, 58-3074, 65-6b10, 65-1718, 65-1817a, 65-2011, 65-2418, 65-2855, 65-2911, 65-4610, 66-1,155, 66-1503, 74-715, 74-1108, 74-1405, 74-1503, 74-1609, 74-2704, 74-2902a, 74-3903, 74-5805, 74-7009, 74-7506, 75-1119b, 75-1308 and 75-1509 and K.S.A. 1986 Supp. 65-5413 and 65-5513 and acts amendatory of any of the foregoing including amendments by other sections of this act is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services, and any and all other state governmental services, which are performed on behalf of the state agency involved by other state agencies which receive appropriations from the state general fund to provide such services.

(b) Nothing in this act or in the sections amended by this act or referred to in subsection (a) of this section, shall be deemed to authorize remittances to be made less frequently than is authorized under K.S.A. 75-4215 and amendments thereto.

(c) Notwithstanding any provision of any section referred to in or amended by this act or referred to in subsection (a) of this section, whenever in any fiscal year such 20% credit to the state general fund in relation to any particular fee fund is \$200,000, in that fiscal year the 20% credit no longer shall apply to moneys received from sources applicable to such fee fund and for the remainder of such year the full 100% so received shall be credited to such fee fund, except as otherwise provided in subsection (d) of this section.

(d) Notwithstanding any provision of K.S.A. 2-2609 and 2-3008 and amendments thereto or any provision of any section referred to in subsection (a) of this section, the 20% credit to the state general fund no longer shall apply to moneys received from sources applicable to the Kansas wheat commission fund, the Kansas corn commission fund, the Kansas grain sorghum commission fund and the Kansas soybean commission fund, as specified for each such fund by this subsection, and for the remainder of a fiscal year the full 100% of the moneys so received shall be credited to the appropriate fund of such funds, whenever in any fiscal year:

(1) With respect to the Kansas wheat commission fund, such 20% credit to the state general fund in relation to such fund in that fiscal year is equal to that portion of \$200,000 that bears the same proportion to \$200,000 as the amount credited to the Kansas wheat commission fund during the preceding fiscal year bears to the total of the amounts credited to the Kansas wheat commission fund, the Kansas corn commission fund, the Kansas grain sorghum commission fund and the Kansas soybean commission fund during the preceding fiscal year;

(2) with respect to the Kansas corn commission fund, such 20% credit to the state general fund in relation to such fund in

(continued on next page)

(continued from previous page)

- 9 -

that fiscal year is equal to that portion of \$200,000 that bears the same proportion to \$200,000 as the amount credited to the Kansas corn commission fund during the preceding fiscal year bears to the total of the amounts credited to the Kansas wheat commission fund, the Kansas corn commission fund, the Kansas grain sorghum commission fund and the Kansas soybean commission fund during the preceding fiscal year;

(3) with respect to the Kansas grain sorghum commission fund, such 20% credit to the state general fund in relation to such fund in that fiscal year is equal to that portion of \$200,000 that bears the same proportion to \$200,000 as the amount credited to the Kansas grain sorghum commission fund during the preceding fiscal year bears to the total of the amounts credited to the Kansas wheat commission fund, the Kansas corn commission fund, the Kansas grain sorghum commission fund and the Kansas soybean commission fund during the preceding fiscal year; and

(4) with respect to the Kansas soybean commission fund, such 20% credit to the state general fund in relation to such fund in that fiscal year is equal to that portion of \$200,000 that bears the same proportion to \$200,000 as the amount credited to the Kansas soybean commission fund during the preceding fiscal year bears to the total of the amounts credited to the Kansas wheat commission fund, the Kansas corn commission fund, the Kansas grain sorghum commission fund and the Kansas soybean commission fund during the preceding fiscal year.

Sec. 15. K.S.A. 1986 Supp. 75-3170a is hereby repealed.

Sec. 16. This act shall take effect and be in force from and after its publication in the statute book.



KADACA NATIONAL ASSOCIATION AFFILIATIONS

CRC/AODA

The Certification Reciprocity Consortium/Alcohol and Other Drug Abuse functions as a national organization promoting and implementing a process for reciprocity of alcoholism and drug addiction counselor certification to member states. CRC/AODA has developed minimum requirements of education and drug addiction counseling plus a case presentation method (CPM) of oral testing. The CPM evaluates counselor competency based on the findings of the federally approved Birch and Davis Study which further has been validated by the National Institute on Alcohol Abuse and Alcoholism. The significance of this study demonstrates that alcoholism and drug addiction counselors must possess knowledge and skills obtained through experience and competency in specific counselor functions. CRC/AODA's case presentation method of oral testing evaluates counselor competency based on the 12 core counselor functions identified by the Birch and Davis Study. CRC/AODA has further developed and implemented a standardized training of evaluators to maintain consistency in the evaluation of counselor competency. CRC/AODA currently maintains reciprocity in over half of the states in the United States.

NAADAC

Founded in 1972, the National Association of Alcoholism and Drug Abuse Counselors is the only national organization representing more than 22,000 alcoholism and drug addiction counselors in the United States, Canada and the United Kingdom. NAADAC promotes the growth of alcoholism and drug addiction counseling as a profession and serves as an advocate for counselors on issues that affect the profession.

NAADAC and its state and local affiliates are legislative advocates on both state and federal levels. Nationally, NAADAC maintains contact with congressional staffs, supplies expert testimony at congressional hearings and sponsors dialogue with national leaders. NAADAC also acts as a liaison representative to: NIAAA, National Institute on Drug Abuse, the National Commission on Accreditation of Certifying Bodies, CRC/AODA, United States Alcoholism and Drug Abuse Counselors, American Bar Association and the Commission of Youth Alcohol and Drug Problems.

Approved by committee December, 1986

(continued from page 6)

What effect would licensure have on the cost of alcoholism and drug addiction services?

A common concern of policy makers toward licensing any profession is the cost of providing the service if the provider in fact holds a credential. The licensure of a profession does not automatically mean that the cost of providing the service will increase. In other professions which have become licensed in many states, statistics were gathered over a long period after licensure took effect. These statistics can show that increase fees do not automatically follow the licensure of a profession.

Isn't the public protected already by licensing the program in which the counselor works?

KADACA thinks not. When a program is regulated by the state, the qualifications of the personnel actually providing the service is not usually mandated. In the case of programs regulated by the Alcohol and Drug Abuse Services of the department of Social and Rehabilitation Services, for example, statutory language specifically prohibits the participation in staff selection and qualification.

KADACA believes very strongly that those Alcoholism and Drug Addiction Counselors providing the actually service to alcoholics and addicts MUST meet minimum criteria showing competence.

What criteria would Alcoholism and Drug Addiction Counselors need to meet in order to be licensed as proposed by KADACA?

KADACA supports the maintenance of currently established national criteria for licensure. In the proposed legislation, these criteria are the same as for the Certified Alcoholism and Drug Addiction Counselor as listed above. These include: three years experience in the field of Alcoholism and Drug Addiction Counseling, 270 hours of educational coursework, 300 hours of practical experience in the 12 core counseling functions, and successful passage of both written and oral examination. All of these requirements are currently met by those who voluntarily certify. Further, these criteria are nationally supported. Twenty-eight states follow the same criteria.

The levels of counselor credentialing for the entry level (Associate Alcoholism and Drug Addiction Counselor as defined above) and for the extended level (Senior Alcoholism and Drug Addiction Counselor above) would be maintained by KADACA. Persons practicing at the Associate level would not legally be considered Alcoholism and Drug Addiction Counselors; instead they would be in training or apprenticeship positions until they can meet all minimal criteria for licensure.

Would Alcoholism and Drug Addiction Counselors who are currently practicing be covered by the proposed legislation?

The proposed legislation provides for 'grandfathering' of Alcoholism and Drug Addiction Counselors in two ways: first, any Alcoholism and Drug Addiction Counselor certified by KADACA on the effective date of the legislation would automatically be eligible for licensure. Secondly, any person demonstrating to the satisfaction of the board of alcoholism and drug addiction professionals (which under the proposed legislation would be the licensing body) that they have been practicing Alcoholism and Drug Addiction Counseling for three of the five years prior to application would also be eligible for licensure.

How would other professionals who practice counseling be affected?

Those persons regulated under other legal authority to practice their profession would be able to continue to practice their profession even if such practice includes activities of a counseling nature to alcoholics and addicts so long as they use their professional title and not the title of "Alcoholism and Drug Addiction Counselor".

(continued on page 20)

(continued from previous page)

What kind of legislative support has been gained for the licensure of Alcoholism and Drug Addiction Counselors?

KADACA is supported in its legislative effort for licensure of Alcoholism and Drug Addiction Counselors by most of the professional associations within the field. At this time, these include the Kansas Association of Alcohol and Drug Program Directors, the Kansas Citizens Advisory Committee, the Kansas Association of Prevention Professionals, the Kansas Coalition of Alcohol and Drug Safety Action Projects and the National Association of Alcoholism and Drug Abuse Counselors. KADACA is continually expanding this base of support.

For additional information about the proposed legislation to license Alcoholism and Drug Addiction Counselors, contact Elizabeth E. Taylor, Director, Kansas Alcoholism and Drug Addiction Counselors Association, P.O. Box 1732, Topeka, KS 66601, 913-233-7145.

Prepared December, 1986



CERTIFICATION CRITERIA

KADACA recognizes three levels of membership. The Certified Alcoholism and Drug Addiction Counselor is the level which KADACA anticipates will become the licensed Alcoholism and Drug Addiction Counselor under the proposed legislation. The Associate Alcoholism and Drug Addiction Counselor (entry level which is not considered "Certified") and the Senior Certified Alcoholism and Drug Addiction Counselor will be levels of recognition maintained by KADACA after licensure is implemented by the state Board of Alcoholism and Drug Addiction Professionals.

Certified Alcoholism and Drug Addiction Counselor - (CADC) must:

1. Meet criteria of Associate Alcoholism and Drug Addiction Counselor (for detail see other side) AND
2. Documentation of three (3) years full-time, paid, supervised counseling experience in the field of alcoholism and drug addiction within the last five (5) years. (Qualifying experience requires a minimum of one (1) year of drug abuse services, if experience is not obtained in a combined alcoholism/drug addiction program); AND
3. Documentation of 270 clock hours of education/training related to alcoholism and drug addiction counseling; AND
4. Documentation of 300 hours of supervised practical experience (supervised practicum) specifically dealing with the twelve core counseling functions. Practicum requirements may be met through work/academic qualifying experience upon approval by the Certification Board. AND
5. Successful execution of the KADACA certification testing by both written and case presentation method, at a proficiency level established by the Certification Board.

(continued on next page)

Associate Alcoholism and Drug Addiction Counselor - (AADC)

Applicant must meet at least one of the following criteria:

1. Documentation of high school graduation or G.E.D., plus one year of full-time (2080 hours), paid, supervised counseling experience in the field of alcoholism/drug addiction within the last three (3) years, plus documentation of 90 clock hours of counselor education/training* as approved by the Certification Board.
2. An Associate or higher degree in alcoholism or drug addiction counseling, plus six (6) months of full-time (1040 hours), paid, supervised counseling experience in the field of alcoholism and drug addiction within the last three (3) years.
3. A Bachelor or higher degree in a health related field, plus six (6) months of full-time (1040 hours), paid, supervised counseling experience in the field of alcoholism and drug addiction within the last three (3) years, plus documentation of 90 clock hours of counselor education/training* subject to approved by the Certification Board.

NOTE: Documentation of 1040 hours supervised voluntary clinical service in an alcoholism or drug addiction related service within the last two (2) years may be substituted for the requirement of six (6) months of full-time, paid, supervised counseling experience. Persons granted a six-month work equivalence for college degree or voluntary experience are still obligated to meet the three-year, full-time, paid, supervised counseling experience requirement (as part of the total requirements) in order to advance to the Certified level.

All candidates are subject to evaluation and approval by the Certification Board, which may include a formal screening process.

(continued on next page)

*Education/Training Stipulations

1. No more than one third (30) of the total hours may consist of agency inservice education/training conducted by "in-house staff".
2. No more than one third (30) of the total hours may consist of agency inservice education/training conducted by outside resource persons.
3. At least one third (30) of the total hours must be in KADACA approved education/training outside the applicant's work setting.

Documentation of education/training must be submitted to the Education Committee for approval.

Senior Certified Alcoholism and Drug Addiction Counselor - (SCADC) must:

1. Meet the criteria of Certified Alcoholism and Drug Addiction Counselor; AND
2. Documentation of five (5) years of full-time, paid, supervised counseling experience in the field of alcoholism and drug addiction withing the last eight (8) years; two (2) of which must include supervisory training; AND
3. Documentation of ninety (90) clock hours in KADACA approved programs within the last two years, 15 of which must include supervisory skills training; AND
4. Successful execution of the KADACA certification testing at an overall proficiency as established by the Certification Board.

1986

REMEMBER THE
SECOND ANNUAL
ALCOHOLISM AND DRUG ABUSE FIELD SPONSORED
LEGISLATIVE BREAKFAST

JANUARY 22, 1987

TOPEKA, KANSAS
JAYHAWK TOWERS

For information contact Elizabeth E. Taylor,
Second Annual A/D Legislative Breakfast
112 West Sixth Street Suite 500
Topeka, KS 66603
913-354-1605



P.O. BOX 1732
TOPEKA, KS. 66601
(913) 233-7145