



dapaanz

fostering excellence in addiction practice

NZTA Submission

Assessing substance dependence and risk of re-offending amongst people sentenced under Section 65 of the Land Transport Act 1998

In 2015, the Ministry of Health commenced a review of the Guidelines for Assessing Substance Dependence and Risk of Re-offending of People Sentenced under Section 65 of the Land Transport Act 1998 (the Guidelines) which were published by the Ministry in 2006 .

The Ministry divided this task into three parts:

1. A review of the Guidelines and reshaping this advice as Minimum Standards.
2. A review of the process by which assessment centres and assessors are approved.
3. A review of what the assessment fee covers.

On 29 September 2015 dapaanz provided the Ministry the following advice on how the Guidelines and the process by which assessment centres and assessors could be improved.

Key points

- The Guidelines need to be tightened, ambiguity removed (this should be done with input from addiction practitioners/experts).
- Individual assessors, as well as approved assessment centres should be able to undertake assessments if the 'assessor' meets the required skill level.
- The calibre and skill-set of the person undertaking the assessment is paramount.
 - ❑ Needs to be dapaanz registered competent practitioner (5 years).
 - ❑ Trained and certified in undertaking s65 assessments (dapaanz could provide training workshops).
- The onus should be on the person who is reapplying for their licence rather than the system.

Submission (submitted 29 September 2015)

MOH - Would it be a good idea to detail the process for approved assessment centres separately to no longer be part of current Guidelines and Minimum standards?

dapaanz - Both individual assessors and assessment centres delivering assessments should be required to demonstrate key competencies and have a certain level of knowledge, experience and skill.

MOH - Do you consider the criteria for becoming an approved assessment centre should be modified in anyway?

dapaanz - Centres should be required to provide high quality assessors with a specific skill set, i.e. Senior AOD Clinician able to undertake a comprehensive AOD and risk assessment. Centres should be accountable for the level of qualification and expertise of staff carrying out assessments.

MOH - Should the approval process be modified in any way?

dapaanz - The approval process should be amended so that the criteria for assessors is clarified. This would be achieved by having a certification process that includes a minimum of five years' experience as a registered practitioner so that only those qualified to undertake section 65 are able to do so.

MOH - Do you consider that applications from individual assessors should be considered by the Ministry or should all assessors be required to be part of an approved assessment centre?

Should individual assessors have to demonstrate their competence to a greater degree than an approved assessment centre, and how?

dapaanz - Individual assessors should retain the ability to practice independently whilst still having their services considered by the MOH. It is the ability of the person to deliver, not whether they are part of a centre that the Ministry should be interested in. Being part of a centre does not necessarily equate with the assessment being undertaken by an appropriately qualified and experienced clinician. Both individual assessors and assessment centres should be required to demonstrate their competence through meeting specific professional criteria.

MOH - What is dapaanz's view on the Ministry reframing the Guidelines as Minimum Standards which approved assessment centres and assessors must meet?

dapaanz - There needs to be minimum standards and a very clear process; the development of which should be undertaken in consultation with experts in the addiction sector. There is risk with the current guidelines in regards to how assessments are funded i.e. a service centre can use inexperienced staff; whereas a specialised skill set is required for these assessments. This issue would be addressed if those undertaking the assessment were required to meet specific criteria i.e. a dapaanz registered practitioner that has undergone specific training and a certification process to undertake section 65 assessments (this could be a new dapaanz category). It puts the onus on the assessment centre or individual assessor to ensure a qualified person is undertaking assessment and will ensure quality control and consistency.

MOH - The current objectives are to:

1. Promote community safety by assessing the 'fitness to drive' of repeat offenders sentenced for offences involving alcohol and other drugs and who have a history of such offending.
2. Use section 65 of the Land Transport Act 1998 (the Act) to maximise the opportunity to create a change of thinking and behaviour in identified repeat offenders convicted of offences involving alcohol and other drug use.
3. Identify, in a timely and effective way, a framework that will support the process of removing a person's disqualification from holding or obtaining a driver licence (section 100 of the Act) to allow people sentenced under section 65 to re-apply for their driver licence.

Are there any objectives that should be amended or added for consideration by the Ministry?

dapaanz - The third objective currently puts the onus on the system for timely return of licence. This could counteract the first two objectives. It would be better framed:

- To effectively assess risk relating to removing a person's disqualification, and when risk is assessed as low, allow people sentenced under section 65 to re-apply for their licence.

This shifts the onus to the person re-applying for their licence. There should also be an assessment objective for support recovery.

MOH - Section 100 (1) of the Land Transport Act 1998 requires the Director (now the Agency) to be satisfied that a person is fit to hold a driver licence. What should constitute a 'satisfactory' assessment and do the new DSM (V) criteria have implications for this?

dapaanz - The key elements required in an assessment are as follows:

- Does the person meet criteria for abuse/dependence (the new DSM may have implications – so the practitioner needs to be experienced and there needs to be clear guidelines).
- How long the person has been abstinent (12 months is not long for a dependent drinker – with a possibly high likelihood of relapse). Guidelines agreed by key people in the sector would remove ambiguity.
- Assessment of the risk of re-offending.

MOH - How should "fitness to drive" be defined? 'Fitness to drive' has in the past been interpreted as referring primarily to 'medical fitness to drive' i.e. assessing risk of seizures or physical co-ordination and the possible impact on driving ability and safety.

While focusing on the presence or absence of substance use, disorders is relatively straight forward for who should or should not be allowed to apply for a driver licence after repeated disqualifications for impaired driving, it does potentially run the risk of not taking into account other factors that arguably may have greater impact on a person's decisions to drive or not while impaired.

How should other factors that could predict recidivist drink driving be taken into account?

Such as:

- Mental health
- Socio personal responsibility
- Risky substance use
- Criminal history and how punishment is viewed
- Desire for change
- Internalised locus of responsibility risky driving

dapaanz - Experienced addiction clinicians are well able and used to taking into account multiple factors when undertaking an assessment. Practitioner expertise and judgment should not be limited by a narrow abuse/dependency only focus.

MOH - Should a broader approach be taken, what kind of training package would you like to see developed to help you to assess the range of factors that contribute to a person's "fitness to drive"?

dapaanz - A specific training package for those undertaking section 65 assessments should be developed and offered only to experienced addiction practitioners with a minimum of dapaanz practitioner registration and at least 5 years' experience working in addictions. Only trained and certified section 65 assessors should undertake assessments.

MOH - Do you agree/disagree that for the assessment to be most relevant, it should be done as late into the period as possible?

dapaanz - Yes, but the first question asked should be 'is the 12 month period right?' This would need to be reviewed as part of the process to develop minimum standards.

MOH - Should s65 assessments be undertaken in prisons? Not being able to regain licences while serving a prison sentence may be seen as a barrier if an individual must wait for a year and a day following release to re-sit their licence. Should there be specific reference to this in the guidelines?

dapaanz - No, as it's difficult to assess risks associated with driving in an environment where driving and alcohol are not available.

MOH - Do you think it is necessary to have a medical practitioner sign off the assessment report? Do you experience difficulties involving medical practitioners in the S65 reports? If so, what sort of difficulties?

dapaanz - Medical review of blood tests is important.