

Attachment 13 - Driving Under the Influence Program (DUI) Fee Study Additional Information

This proposed fee increase has been developed in accordance with California law governing services to persons convicted of driving while under the influence of alcohol and other drugs (CCR Title 9, Division 4, Chapter 3), and reviewed by County Counsel for compliance with Proposition 26.

The Department's DUI program is a state mandated program which includes court-referred programs for individuals convicted of driving under the influence offenses. Each year the DUI program serves approximately 3,300 distinct clients. The goal of the DUI program is to reduce the likelihood a client will experience further DUI violations. Program components are designed to provide structured education, prevention, and monitoring to assist in identifying and resolving alcohol or other drug related problems.

The Department's DUI program includes a 3-, 6-, and 9-month First Offender program, a 18-month Multiple Offender program, and a 6-week Wet and Reckless program. Participants in the First Offender 3-month program must attend ten 1-hour group classes; ten 2-hour classes, and three 15-minute individual sessions. Clients enrolled in the 6- or 9-month First Offender program are required to attend an increased number of group and individual sessions. Participants in the 18-month Multiple Offender program must complete twenty-six 2-hour group classes; six 2-hour education classes; and a minimum of twenty-four 15-minute individual sessions before transitioning into six 1-hour groups, once per month, for the final six months of the program. Which program the client is enrolled in is determined by multiple factors including the court, Department of Motor Vehicles, the number of offenses, and the client's blood alcohol level. Approximately 75 percent of the DUI program clients are enrolled in the First Offender programs with 25 percent enrolled in the Multiple Offender or the Wet-and-Reckless programs.

The cost of the DUI program is on average 65 percent funded by the revenues collected through client fees. Clients that are on General Assistance pay a reduced fee of \$5.00 per month to enroll and participate in the program per Title 9 of the California Code of Regulations. Clients not on general assistance pay approximately 20-50 percent of their fee upon intake with the balance paid pursuant to an agreed upon payment plan, the terms of which may be extended based upon demonstrated financial need.

The Department is requesting approval of the following adjustments to the DUI Program fee structure. The table below lists current and proposed fees. The proposed fees represent the reasonable cost of the services provided to each of the fee payors and County Counsel has confirmed complies with Proposition 26. Adjustments to existing fees will provide an approximate increase in revenue of \$746,004 based on FY 2023-2024 actual revenues received.

Program	Previous Fee	Proposed New Fee	% Change in Fee
First Offender Program (FOP) - 3 Month	\$870.00	\$1,175.00	35%
First Offender Program (FOP) - 6 Month	\$1,267.00	\$1,710.00	35%

First Offender Program (FOP) - 9 Month	\$1,726.00	\$2,330.00	35%
Multiple Offender Program (MOP) - 18 Month	\$2,130.00	\$2,876.00	35%
Wet & Reckless Program	\$363.00	\$490.00	35%
Late Payment Fee	\$0.00	\$5.00	N/A

In addition, the Department is requesting to add the following new fee(s) that, per the state's regulations governing DUI programs (9 CCR § 9878), may be charged to each programs' participants. This fee aims to encourage participants to pay their DUI Program fee on time as agreed to in their payment plans. When participants are past due on payments, staff document this, send a past due letter, update the participant status and add alerts to their accounts which communicates to other staff that the fees are past due. This additional labor needs to be covered by the participant fees.

As noted above, the DUI Program has historically not been self-supporting through client fees. However, Program costs have risen steadily due to inflation, a statewide labor shortage on registered Alcohol & Other Drugs (AOD) counselors, and increased service charges to the County from the Department of Healthcare Services (DHCS). Between 2019 and 2024, salaries for AOD I Counselors, AOD II Counselors, and Health Program Managers increased by 39%, 38%, and 44%, respectively. In 2022 DUI salaries and benefits accounted for 72% of all program expenses and further increased to 83% in 2024. Additionally, operational costs have risen due to an increase in DUI cases and essential expenditures, including software for virtual service delivery and electronic signature collection, and updated evidence-based curriculum. According to the Bureau of Labor Statistics Consumer Price Index (CPI) data the average price of all goods and services rose by 17% during this period.

In FY 2024-2025 the Department contracted with Wohlford Consulting to conduct a comprehensive analysis of the costs associated with DUI Program services. The study includes a detailed analysis of each specific program fee, employee positions that provide the services, an analysis of associated cost factors, calculation of hourly rates for each contributing job class in relation to their available billable hours, and time data estimates for every position for each service activity. The result is the total cost per unit for each specific fee and the amount to be charged for each fee to achieve full recovery of assessed costs. All costs identified in the fee study exceed the recommended fee increases requested. Wohlford Consulting was clear in the methodology that the study indicates needed amounts for cost recovery rather than what true fee decisions should be from a program standpoint. The DUI program manager conducted a comparative analysis of other local DUI programs to assess the percentage increase that would be permissive to DHCS in their recommendation to recover the highest amount of costs allowed.

The proposed fees listed above represent a 35 percent increase against all DUI program fees. The primary factors that contributed to the Department's need to increase fees are an increase in salaries and benefits, an increase in facility maintenance, and increased technology costs to accommodate virtual services. If the fees are not adjusted, these three factors will result in an

estimated \$1,028,506 deficit realized by the DUI program in FY 2023-2024. The estimated impact of each factor is as follows:

The proposed fee increase will be paid solely by clients who enroll in one of the DUI programs after the increased fees are implemented. When the Department determines that a DUI Program client fee increase is necessary for the program to remain self-supporting, a request must be submitted to the Board, and is then required to be approved by the California Department of Health Care Services (DHCS) prior to the fee increase going into effect.

Service Improvement Plan. The following provides efficiency and productivity measures, taken and planned, to minimize the level of rate increases while improving customer service.

Productivity, Efficiency, and Customer Service Plan for Behavioral Health Services:

- Monitor client utilization of services, and any changes in service components, to analyze the average cost per client to recommend any future fee changes.
- Monitor client fee collections, and clients' ability to pay, to analyze the need for any future fee changes.

Summary of Expected Results:

- Current costs for each program component will be supported by the revised fee structure as listed above.
- The cost to clients in the program will increase.
- Participation in the program is a required process for individuals arrested for driving under the influence if they wish to retain or regain their driver's license. It is unlikely that the increased fees will have a significant impact on the number of clients seeking DUI services.