

MOU Proof by Practitioner

NOTE: For vendors, all standards should also be included in the provider's contract.

ALL TEAM MEMBERS

Standard 1-12 State Mandate

The drug court team shall collaboratively develop, review, and agree upon all aspects of drug court operations. The team shall create a policy manual and update it annually.

Standard 3-4 State Mandate

Participant eligibility requirements/criteria and intake and referral standards shall be defined objectively, agreed upon by all members of the drug court team, included in writing as part of policies and procedures, and communicated to potential referral sources

Standard 4-22 State Mandate

In a program that allows use of MAT, participants may be prescribed psychotropic or addiction medicine as needed but only by an appropriately licensed medical professional.

Standard 7-7 State Mandate

The drug court judge makes final decisions concerning the imposition of incentives or sanctions that affect a participant's legal status or liberty, after taking into consideration the input of the other drug court team members and discussing the matter in court with the participant or the participant's legal representative. The judge relies on the expert input of trained treatment professionals when imposing treatment-related conditions.

Standard 1-16 NM Standards

Drug courts will follow confidentiality laws/practices (described in Standards, Appendix D)

Standard 1-18 NM Standards

Drug court information/records remain confidential, except as authorized for disclosure (by state law, standards, for research/evaluation) as allowed by federal law (HIPAA, CFR 42 part 2)

Standard 1-19 NM Standards

Drug courts shall comply with federal confidentiality laws (PHSA 42 USC 290dd-2 and 290ee-3, and 42 CFR part 2)

Standard 6-12 NM Standards

Team relies on medical input to determine whether prescriptions are medically indicated and whether alternatives are available

Standard 1-4 Best Practice Items

Staff [not including judge, 7-3] are assigned to the drug court for a minimum of 2 years to ensure stability and continuity of day-to-day operations and strengthen collaborative relationships between the key professionals.

Standard 3-10 Best Practice Items

Participants being considered for drug court shall be promptly advised about the program, including the requirements, scope and potential benefits and effects on their case.

JUDGE

Standards 1-7, 1-13, 4-31, 7-8 Mandatory

Judge and treatment provider must be on the drug court team; treatment provider must be present at and report on client progress/compliance at pre-court staff meetings and status hearings; judge attends pre-court staff meetings and status hearings.

Standard 7-5 NM Standards

The adult drug court judge offers supportive comments to participants, stresses the importance of their commitment to treatment and other drug court requirements, and expresses optimism about their abilities to improve their health and behavior. The judge does not humiliate participants or subject them to foul or abusive language. The judge allows participants a reasonable opportunity to explain their perspectives concerning factual controversies and the imposition of sanctions, incentives and therapeutic adjustments.

PROSECUTOR

Standards 2-4, 5-2 State Mandate

The prosecutor agrees that a positive drug test/admission of drug use will not result in a filing of additional drug charges, will work with the team to decide on a response.

Standard 2-1 NM Standards

Prosecution/defense participate in design, implementation, and enforcement of screening/eligibility and case processing policies and procedures

DEFENSE COUNSEL

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Prosecution/defense participate in design, implementation, and enforcement of screening/eligibility and case processing policies and procedures

TREATMENT PROVIDER

Standards 1-7, 1-13, 4-31, 7-8 Mandatory

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Standard 4-29 State Mandate

The treatment provider shall maintain for each participant documentation including but not limited to assessments and treatment plans, progress notes, services provided, attendance records and drug test results (if applicable).

Standard 4-30 NM Standards

When treatment provider is providing drug testing, they develop and implement plan for random testing

Standard 4-32 NM Standards

Treatment provider provides written reports of clients' assessments, attendance at treatment sessions, progress on a monthly basis, incident reports, treatment plans, and discharge summary

DRUG TESTING PROVIDER

Standard 5-6 NM Standards

Drug testing sample collection shall be directly observed by an authorized, trained same sex member of the drug court team or other approved official of the same sex as the participant. Trans-gender or trans-sexual participants should be given the opportunity to choose the gender of the official collecting the samples. In rare cases, if the program is unable to observe sample collection, conduct the test and ask the participant to return for another (observed) test when the observer is available, within 24 hours.

Standard 5-8 NM Standards

All urine test samples shall be examined for dilution/ adulteration. In the event the participant provides a diluted, altered or positive sample, or fails to submit a sample, this information will be communicated with the drug court team immediately and should be responded to as a participant falsehood or tampering with evidence.

MOU Proof by Certification Category

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