

**423 – FINANCIAL RESPONSIBILITY FOR COURT ORDERED TREATMENT FOR DRIVING UNDER THE INFLUENCE/DOMESTIC VIOLENCE OR OTHER CRIMINAL OFFENSES**

EFFECTIVE DATES: 07/01/09, 09/01/13, 10/01/15, 07/01/16, 10/01/18, 10/01/19

APPROVAL DATES: 08/17/09, 08/29/13, 10/01/13, 05/14/15, 08/01/15, 04/21/16, 01/07/19, 09/05/19

**I. PURPOSE**

This Policy applies to AHCCCS Complete Care (ACC), ALTCS E/PD, DES/DDD (DDD) and RBHA Contractors. This Policy establishes financial responsibility for the provision of specific behavioral health treatment/care when such treatment is ordered as a result of a judicial ruling.

**II. DEFINITIONS**

**COURT-ORDERED ALCOHOL TREATMENT**

Detoxification services or treatment provided according to A.R.S §36-2027.

**DRIVING UNDER THE INFLUENCE (DUI) CLIENT**

An individual who is ordered by the court to receive DUI screening, DUI education, or DUI treatment as a result of an arrest or conviction for a violation of A.R.S. §§28-1381, §28-1382, or §28-1383.

**DUI EDUCATION**

A program in which an individual participates in at least 16 hours of classroom instruction relating to alcohol or other drugs.

**DUI SCREENING**

A preliminary interview and assessment of an offender to determine if the offender requires alcohol or other drug education or treatment. (A.R.S. §28-1301)

**DUI SERVICES**

DUI Screening, DUI education, or DUI treatment provided to an AHCCCS member.

**DUI TREATMENT**

A program consisting of at least 20 hours of participation in a group setting dealing with alcohol or other drugs in addition to the 16 hours of education. (A.R.S. §28-1301).

**MEDICALLY NECESSARY  
BEHAVIORAL HEALTH  
SERVICES**

Those behavioral health services necessary, in the judgment of a qualified medical practitioner, to treat an existing behavioral health condition or illness and/or to prevent the patient from potentially harming himself or others.

**III. POLICY****A. DUI**

The Contractor is responsible for covering and reimbursing for services when the services are AHCCCS covered, medically necessary services described in Statute, Rule, Contract or Policy. A court order is not necessarily a substitute for the Contractor's obligation to determine the amount, duration, and scope of medically necessary services. The Contractor shall not assume that a court or administrative agency ordering DUI screening, education, or treatment services is aware of the scope of AHCCCS covered services or of how medical necessity is defined for purposes of the AHCCCS program. Nevertheless, the Contractor may take into consideration the medical information and factual findings of the court or administrative agency in making the Contractor's determination of medical necessity.

When DUI Services are ordered by the court for an individual who has been charged for driving under the influence as specified in A.R.S. §36-2027, the cost of the DUI Services is the responsibility of the county, city, town, or charter city whose court ordered the screening, education, and/or treatment as specified in A.R.S. §36-2027 (E). The county, city, or town is a source of third party liability for any court ordered evaluation and/or treatment services that are also AHCCCS covered services. Upon receipt of the claim, the Contractor should deny the claim and return it to the provider with directions to bill the responsible county, city, or town.

**B. DOMESTIC VIOLENCE OFFENDER TREATMENT**

When an individual is convicted of a misdemeanor domestic violence offense, as specified in A.R.S. §13-3601, the sentencing judge shall order the individual to complete a domestic violence offender treatment program that is provided by a facility approved by the Department of Health Services (DHS) or a probation department pursuant to A.R.S. §13-3601.01. An individual who is ordered to complete a domestic violence offender treatment program is responsible for paying the cost of the program.

Although a judge may determine that court ordered domestic violence offender treatment (including educational classes to meet the requirements of the court order) is the financial responsibility of the offender under A.R.S. §13-3601.01(c), an AHCCCS member cannot be considered a legally responsible third party with respect to themselves. As a result, it is AHCCCS' expectation that the Contractor responsible for the provision of behavioral health services will provide domestic violence offender treatment when the service is deemed medically necessary. The member is not a source of first or third party liability, as defined in A.A.C. R9-22-1001, when required prior authorization is obtained and/or

the service is provided by an in-network provider. The Contractor shall provide medically necessary services and ensure that the member's medical record includes documentation to justify the medical necessity for the services rendered.

For RBHA Contractors: Individuals court ordered for domestic violence offender treatment, who are not Title XIX/XXI eligible, may be billed for the domestic violence offender treatment services (See AMPM Policy 320-T).

### **C. COURT ORDERED TREATMENT FOR INDIVIDUALS ACCUSED OF OTHER CRIMES**

As specified in A.R.S §36-2027, a court may order evaluation and treatment at an approved treatment facility of an individual who is brought before the court and charged with a crime if:

1. It appears the individual is an alcoholic.
2. Such individual chooses the evaluation and treatment procedures. The court cannot order the individual to undergo treatment and evaluation for more than 30 days.

The cost of evaluation and treatment of an indigent patient treated pursuant to a court order as specified in A.R.S. §36-2027(E) is the responsibility of the county, city, town or charter city whose court issued the order for evaluation.

When evaluation or treatment is ordered pursuant to this statute, the county, city, town, or charter city whose court issued the order for evaluation is responsible for the cost of services to the extent ordered by the court. To the extent those services are also AHCCCS covered services and the Contractor receives a claim for the services, the Contractor shall direct the provider to bill the appropriate county, city, town, or charter city.

Financial responsibility for the provision of medically necessary behavioral health services rendered after the completion of court-ordered evaluation is outlined in ACOM Policy 437.