ARTICLE 1. DUI SERVICES

R9-20-101. Definitions

The following definitions apply in this Article unless otherwise specified:

1. "Administrator" means an individual who has authority and responsibility for managing the provision of DUI services.
2. "Applicant" means an individual or business organization that has submitted an application packet to the Department.
3. "Application packet" means the forms, documents, and additional information the Department requires an applicant to submit to become an approved DUI service provider.
4. "Approved DUI service provider" means an individual or business organization that meets the standards in this Article, as determined by the Department.
5. "Behavioral health professional" means an individual licensed under A.R.S. Title 32 whose scope of practice allows the individual to:
   a. Independently provide behavioral health services, or
   b. Provide behavioral health services under direct supervision as defined in A.A.C. R4-6-101.
6. “Behavioral health service” means the medical services, nursing services, or health-related services provided to an individual to address the individual’s behavioral health issue.
7. "Business organization" means the same as "entity" in A.R.S. § 10-140.
8. "Client" means an individual who is ordered by the court to receive DUI screening, DUI education, or DUI treatment as a result of an arrest, adjudication, or conviction for a violation of A.R.S. §§ 5-395.01, 8-343, 28-1381, 28-1382, or 28-1383.
9. "Client record" means any documentation relating to the client’s DUI services.
10. "Controlling person" means a person who, with respect to a business organization:
    a. Through ownership, has the power to vote at least 10% of the outstanding voting securities of the business organization;
    b. If the business organization is a partnership, is a general partner or is a limited partner who holds at least 10% of the voting rights of the partnership;
    c. If the business organization is a corporation, association, or limited liability company, is the president, the chief executive officer, the incorporator, an agent, or any person who owns or controls at least 10% of the voting securities; or
    d. Holds a beneficial interest in 10% or more of the liabilities of the business organization.
11. "Day" means a calendar day, not including the day of the act, event, or default from which a designated period of time begins to run, but including the last day of the period unless it is a

Saturday, Sunday, or state holiday, in which case the period runs until the end of the next day that is not a Saturday, Sunday, or state holiday.

12. "Department" means the Arizona Department of Health Services.
13. "Documentation" means written information in written, photographic, electronic, or other permanent form.
14. "DUI education" has the same meaning as "education" in A.R.S. § 28-1301.
15. "DUI screening" has the same meaning as "screening" in A.R.S. § 28-1301.
16. "DUI services" means DUI screening, DUI education, or DUI treatment provided to a client.
17. "DUI treatment" has the same meaning as “treatment” in A.R.S. § 28-1301.
18. “Employee” means an individual compensated by an approved DUI service provider to work for the approved DUI service provider.
19. "Facility" means the building or buildings used to provide DUI services.
20. “Licensed substance abuse technician” has the same meaning as in A.R.S. § 32-3321.
21. “Licensed independent substance abuse counselor” has the same meaning as in A.R.S. § 32-3321.
22. "Monitoring" means the Department’s inspection of a facility to observe and check the quality of DUI services.

R9-20-102. Individuals to Act for Applicant

When an applicant or approved DUI service provider is required by this Article to provide information on or sign an application form or other document, the following shall satisfy the requirement on behalf of the applicant:

1. If the applicant is an individual, the individual; or
2. If the applicant is a business organization, the individual who the business organization has designated to act on the business organization's behalf and who:
    a. Is a controlling person of the business organization;
    b. Is a U.S. citizen or legal resident; and
    c. Has an Arizona address.

R9-20-103. Application for Approved DUI Service Provider, Renewal, and Monitoring

A. An applicant applying to become an approved DUI service provider shall submit to the Department an application packet that contains:

1. An application form provided by the Department that is signed, dated, and notarized that includes:
    a. The applicant’s name;
    b. The applicant’s address and telephone number;

c. The applicant's e-mail address;

d. The name, telephone number, and e-mail address of the individual acting on behalf of the applicant according to R9-20-102, if applicable;

e. The name of the entity under which the applicant will provide DUI services;

f. The owner of the entity in subsection (A)(1)(e), if different from the applicant;

g. The address and telephone number of the facility; and

h. Whether the applicant is seeking approval to provide:

i. DUI screening,

ii. DUI education, or

iii. DUI treatment,

2. If providing DUI screening, a copy of:

a. The standardized instrument for measuring alcohol dependency or substance abuse required in R9-20-108(C)(4), and

b. The policies and procedures required in R9-20-108(A);

3. If providing DUI education, a copy of:

a. The DUI education pre-test required in R9-20-109(D)(1),

b. The DUI education materials required R9-20-109(D)(2),

c. The DUI education post-test required in R9-20-109(D)(3),

d. The policies and procedures required in R9-20-109(E), and

e. The policies and procedures required in R9-20-109(G);

4. If providing DUI treatment, a description of:

a. The education and group counseling programs, as required in R9-20-110(C)(2); and

b. The policies and procedures required in R9-20-110(A); and

5. The name and resume of the administrator;

6. A copy of the applicant's:

a. U.S. Passport, current or expired;

b. Birth certificate;

c. Naturalization documents; or

d. Documentation of legal resident alien status.

B. For renewal, at least 60 days before the expiration of approval, an approved DUI service provider shall submit to the Department:

1. The approved DUI service provider's approval number;

2. The information in subsection (A)(1); and

3. The documentation in subsection (A)(2) through (4), as applicable.

C. An applicant or approved DUI service provider shall allow the Department immediate access to all areas of the facility, a client, or record, according to A.R.S. § 41-1009.

R9-20-104. Approval Process to Become an Approved DUI Service Provider or Renewal of Approval

A. The Department shall:

1. Review the documents submitted by the applicant as required in R9-20-103,
2. Issue an approval or non-approval based on the applicant's compliance with the requirements of R9-20-103, and
3. Notify the applicant of the Department's decision within 21 days after receiving the documents specified in R9-20-103.

B. The Department shall send an applicant a written notice of non-approval, with reasons for the non-approval if:

1. The applicant fails to provide the documentation as required in R9-20-103, or
2. The Department determines the documentation submitted under R9-20-103 does not comply with this Article or contain false information.

R9-20-105. Notification of Change

A. An approved DUI service provider shall:

1. Notify the Department in writing at least 30 days before the effective date of:
   a. Termination of DUI service provision, and
   b. A change in:
      i. The name of the entity required in R9-20-103(A)(1)(e);
      ii. The ownership of the entity providing DUI services;
      iii. The address and telephone number of the facility;
      iv. The DUI services provided, including a list of the services that the approved DUI service provider intends to add and delete; or
      v. The administrator; and
2. If the notification of change is for a change specified in (A)(1)(b)(iv), submit the applicable documentation in R9-20-103(A)(2) through (4).

B. The Department shall review the notification of change for subsections (A)(1)(b)(iv) and (A)(1)(b)(v), and;

1. If the information complies with the requirements in this Article the Department shall approve the notification of change, or

2. If the information does not comply with the requirements in this Article the Department shall send notification to the approved DUI service provider with reasons for the non-compliance.

C. The Department may conduct an onsite inspection as part of the notification of change process.

D. Once the notification of change is approved by the Department, the approved DUI service provider retains the existing expiration date of the application approval.

E. An approved DUI service provider shall not add DUI services specified in (A)(1)(b)(iv) until the Department approves the notification of change.

R9-20-106. Rescinding Approval

A. The Department may rescind the approval of an approved DUI service provider if the Department determines that noncompliance with this Article by the approved DUI service provider negatively impacts the DUI screening, DUI education, or DUI treatment an individual is receiving from the approved DUI service provider.

B. If the Department rescinds the approval of an approved DUI service provider, the Department shall:

1. Provide written notice of the rescindment to the approved DUI service provider that includes a list of the requirements with which the approved DUI provider is not in compliance,
2. Remove the approved DUI service provider from the list of approved DUI service providers, and
3. Provide written notice of the rescindment to the appropriate court of jurisdiction.

C. To obtain approval after a rescindment, a DUI service provider shall submit:

1. The application required in R9-20-103, and
2. A written recommendation for approval of the DUI service provider from the appropriate court of jurisdiction.

D. The Department shall review the application and recommendation in subsection (C) and issue an approval or notice of non-approval no sooner than 60 days after the Department receives the application and recommendation.

R9-20-107. Administration

An approved DUI service provider shall designate an administrator who meets qualifications established by the approved DUI service provider.

R9-20-108. Supplemental Requirements for DUI Screening

A. An administrator shall ensure that policies and procedures are developed, documented, and implemented for:

1. Conducting DUI screening,
2. Tracking and referring a client to DUI education or DUI treatment, and
3. Communicating with and reporting information to a referring court.

B. An administrator shall ensure that:

1. The following information is reported to the referring court:
   a. The results of a client's DUI screening;
   b. Recommendations, based upon the DUI screening standardized instrument used for DUI education or DUI treatment recommendations by a behavioral health professional;
   c. The name of the approved DUI service provider selected by the client to provide DUI education or DUI treatment; and
   d. If the client is enrolled in DUI education or DUI treatment, the client's compliance, progress, and completion; and
2. The referring court receives written notification within five working days, unless otherwise specified by the court, when a client:
   a. Fails to obtain or complete DUI screening;
   b. Fails to pay the cost of DUI screening;
   c. Fails to comply with or to complete DUI education or DUI treatment; or
   d. Completes DUI screening, DUI education, or DUI treatment.

C. An administrator shall ensure that a client's DUI screening:

1. Occurs within 30 days after the date of the court order, unless otherwise required in the court order;
2. Is conducted by a behavioral health professional or a licensed substance abuse technician under the supervision of a behavioral health professional;
3. Consists of a face-to-face interview that lasts at least 30 minutes but not more than three hours;
4. Includes administering at least one standardized instrument for measuring alcohol dependency or substance abuse; and
5. Is documented in the client record.

D. An administrator shall ensure that a client is given the following information in writing before DUI screening is conducted and that the client's receipt of the information is documented:

1. A description of the DUI screening process;
2. The timeline for initiating and completing DUI screening;
3. The consequences to the client for not complying with the procedures and timeline; and
4. The cost and methods of payment for DUI screening, DUI education, and DUI treatment.

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E. An administrator shall classify a client based upon the information obtained in the DUI screening in subsection (C) as follows:

1. A Level 1 DUI client is a client who:

   a. Meets at least one of the following:

      i. Has been arrested or convicted two or more times for alcohol or drug-related offenses;

      ii. Had an alcohol concentration of 0.15 or higher at the time of the arrest that led to the current referral and meets at least one of the criteria in subsection (E)(1)(b)(i) or (E)(1)(b)(iii) through (xii);

      iii. Has been unable to control use of alcohol or drugs or has habitually abused alcohol or drugs;

      iv. Admits a problem controlling alcohol or drug use;

      v. Has been diagnosed with substance abuse or organic brain disease resulting from substance abuse;

      vi. Has experienced symptoms of withdrawal from alcohol or drug use that included visual, auditory, or tactile hallucinations; convulsive seizures; or delirium tremens; or

      vii. Has been diagnosed with alcoholic liver disease, alcoholic pancreatitis, or alcoholic cardiomyopathy by a medical practitioner; or

   b. Meets at least three of the following:

      i. During DUI screening, provided responses on the standardized instrument in subsection (C)(4) that indicated substance abuse;

      ii. Had an alcohol concentration of 0.08 or higher at the time of the arrest that led to the current referral;

      iii. Had previously been arrested or convicted one time for an alcohol-or drug-related offense;

      iv. Has experienced a decrease in attendance or productivity at work or school as a result of drug or alcohol use;

      v. Has experienced family, peer, or social problems associated with drug or alcohol use;

      vi. Has previously participated in substance abuse education or treatment for problems associated with alcohol or drug use;

      vii. Has experienced blackouts as a result of alcohol or drug use;

      viii. Has passed out as a result of drug or alcohol use;

ix. Has experienced symptoms of withdrawal from alcohol or drug use including shakes or malaise relieved by resumed alcohol or drug use; irritability; nausea; or anxiety;

x. Exhibits a psychological dependence on drugs or alcohol;

xi. Has experienced an increase in consumption, a change in tolerance, or a change in the pattern of alcohol or drug use; or

xii. Has experienced personality changes associated with alcohol or drug use; and

2. A Level 2 DUI client is a client who:

a. Does not meet any of the criteria in subsection (E)(1)(a), and

b. Meets no more than two of the criteria in subsection (E)(1)(b).

F. An administrator shall ensure that after a client completes DUI screening:

1. The results of the DUI screening are documented in the client record and include:

a. The client's alcohol concentration at the time of the arrest that led to the current referral, if available;

b. The client's history of alcohol and drug use;

c. The client's history of treatment associated with alcohol or drug use; and

d. The client's history of impairments in physical, educational, occupational, or social functioning as a result of alcohol or drug use; and

2. A recommendation is made to the referring court for DUI education or DUI treatment or both, and referrals are made as follows:

a. A Level 1 DUI client is referred to:

i. An approved DUI service provider that provides DUI education for at least 16 hours of DUI education; and

ii. An approved DUI service provider that provides DUI treatment for the period of time that is recommended by the behavioral health professional; and

b. A Level 2 DUI client is referred to an approved DUI service provider that provides DUI education for at least 16 hours of DUI education.

G. An approved DUI service provider that provides DUI screening may refer a Level 1 or Level 2 DUI client to a self-help or peer-support program that assists individuals in achieving and maintaining freedom from alcohol or drugs, such as Alcoholics Anonymous or Narcotics Anonymous. Participation in a self-help group or peer support program is not DUI education or DUI treatment and does not count toward required hours in DUI education or DUI treatment.

H. Unless a court requires otherwise, an administrator shall ensure that the referral of a client made under subsection (F)(2) includes:

1. Providing the client with the names, addresses and telephone numbers of three approved DUI service providers that are authorized to provide DUI education or DUI treatment, as applicable, in the geographic area requested by the client, at least two of which are not owned by, operated by, or affiliated with the approved DUI service provider that provided DUI screening,
2. Instructing the client to:
    a. Select an approved DUI service provider that provides DUI education or DUI treatment, as applicable;
    b. Schedule an appointment or enroll in DUI education or DUI treatment, as applicable, within five days after the date of completion of the DUI screening; and
    c. Notify the approved DUI service provider that provided DUI screening of the name of the approved DUI service provider selected to provide DUI education or DUI treatment, as applicable;
3. Obtaining, in writing, a client's authorization to release information to the selected approved DUI service provider; and
4. Providing the following in writing to the selected approved DUI service provider and the referring court within five working days after the client's completion of DUI screening:
    a. The date that the client completed DUI screening,
    b. The results of DUI screening,
    c. The recommendations made under subsection (F)(2), and
    d. The name of the approved DUI services provider that provides DUI education or DUI treatment selected by the client.

I. If an approved DUI service provider that provides DUI screening does not comply with subsection (H) for a referral of a client because a court's requirements conflict with subsection (H), the approved DUI service provider shall:
1. Comply with the court's requirements,
2. Document in the client's record that the court's requirements conflict with subsection (H), and
3. Maintain at the facility a written document identifying the court's requirements.

J. An administrator shall ensure that a record is maintained for each client that contains:
1. The citation number or complaint number from the arrest that led to the current referral, if available;
2. A copy of the documents referring the client to DUI screening, if available;
3. Documentation of the client's receipt of the information contained in subsection (D);
4. Documentation of the client's DUI screening, including the completed standardized instrument required under subsection (C)(4);

5. Documentation of the recommendations and referrals for DUI education or DUI treatment, as applicable, required under subsections (F)(2) and (H);
6. The DUI client's signed and dated release of information required under subsection (H)(3); and
7. A copy of the information provided to the approved DUI service provider selected to provide DUI education or DUI treatment, as applicable, and to the referring court as required under subsection (H)(4).

R9-20-109. Supplemental Requirements for DUI Education

A. An administrator shall ensure that a client is given the following information in writing before DUI education is conducted and that the client's receipt of the information is documented:
   1. The procedures for conducting DUI education,
   2. The timeline for initiating and completing DUI education,
   3. The consequences to the client for not complying with the procedures and timeline,
   4. The information that will be contained in a report to the approved DUI service provider that provided DUI screening or the referring court, and
   5. The cost and methods of payment for DUI education and DUI treatment.

B. An administrator shall ensure that:
   1. DUI education is provided in a classroom setting,
   2. A current written schedule of DUI education classes is maintained at the facility,
   3. DUI education consists of at least 16 hours in the classroom setting,
   4. DUI education is scheduled to be completed within eight weeks after the date of the first class, and
   5. The number of clients enrolled in a class of DUI education does not exceed 30.

C. Participation in a self-help group or peer support program, such as Alcoholics Anonymous or Narcotics Anonymous, is not DUI education and does not count toward required hours in DUI education.

D. An administrator shall ensure that:
   1. A written pre-test is administered to a client before the client receives DUI education to measure the client's knowledge of the subject areas listed in subsection (D)(2);
   2. DUI education includes information on:
      a. The physiological effects of alcohol and drug use;
      b. How alcohol use and drug use affect an individual's ability to operate a vehicle, including how an individual's alcohol concentration is measured and how alcohol concentration impacts an individual's ability to operate a vehicle;
      c. Alternatives to operating a motor vehicle while impaired by alcohol or drug use;

d. The psychological and sociological effects of alcohol and drug use;

e. The stages of substance abuse;

f. Self-assessment of alcohol or drug use;

g. Criminal penalties and statutory requirements for sentencing DUI clients;

h. Alternatives to alcohol or drug use;

i. Identification of different approaches to the treatment of substance abuse;

j. Resources, programs, and interventions available in the community for treatment of substance abuse; and

k. Orientation to the process and benefits of group counseling and self-help groups such as Alcoholics Anonymous and Narcotics Anonymous; and

3. A written post-test is administered to a client after receiving DUI education to measure the client's knowledge of the subject areas listed in subsection (D)(2).

E. An administrator shall ensure that a policy and procedure is developed, documented, and implemented that covers the use of results from the pre-tests and post-tests required under subsection (D).

F. An administrator shall ensure that a client who completes DUI education receives written documentation that indicates satisfactory completion of DUI education and includes:

1. The name of the approved DUI service provider,

2. The number of hours of DUI education completed,

3. The date of completion, and

4. The name of the DUI client.

G. An administrator shall ensure that a policy and procedure is developed, documented, and implemented for providing written notification of the following events to the approved DUI service provider that provided DUI screening and, if applicable, the referring court within five working days after the event:

1. A client's failure to enroll in DUI education by the deadline established by the approved DUI service provider that provided DUI screening or the referring court;

2. A client's failure to comply with the requirements of DUI education, including failure to attend DUI education or failure to pay required costs; and

3. A client's completion of DUI education.

H. An administrator shall ensure that, for each DUI client, a written report is prepared and provided to the approved DUI service provider that provided DUI screening and, if applicable, the referring court that includes:

1. Whether the client:

a. Enrolled in DUI education and the date of enrollment;

b. Complied with the requirements of DUI education; and

c. Completed DUI education and, if so, the date of completion; and

2. Any recommendation for additional DUI education or for DUI treatment.

I. An administrator may refer a client back to the approved service provider that provided DUI screening:

1. If the administrator determines that a client's treatment needs cannot be met by the approved DUI service provider because the client:

a. Requires behavioral health services that the approved DUI service provider is not authorized or able to provide,

b. Has a physical or other disability that the approved DUI service provider is unable to accommodate, or

c. Requires education to be provided in a language in which instruction is not provided by the approved DUI service provider, and

2. With written documentation of the reason that the approved DUI service provider is unable to meet the client's treatment needs and a recommendation for additional or alternative DUI education that would meet the client's treatment needs.

J. An administrator shall ensure that a record is maintained for each client contains:

1. Documents received from the approved DUI service provider that provided DUI screening or referring court regarding the client;

2. Documentation that the client received the information contained in subsection (A);

3. The pre-test and post-test completed by the client;

4. The dates of the client's attendance at DUI education;

5. A copy of the documentation indicating the client's satisfactory completion of DUI education as described under subsection (F);

6. A copy of the report provided to the approved DUI service provider that provided DUI screening or referring court as required in subsection (H);

7. A copy of the written documentation provided to the approved DUI service provider that provided DUI screening or court as described in subsection (I);

8. Documentation of any written information or verbal contact regarding the client with the approved DUI service provider that provided DUI screening, the referring court, if any; a Department of Motor Vehicles; or another agency authorized to provide DUI education or DUI treatment; and

9. Documentation of the client’s failure to complete DUI education according to subsection (G).

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R9-20-110. Supplemental Requirements for DUI Treatment

A. An administrator shall ensure that policies and procedures are developed, documented, and implemented that:

1. Require a client to complete DUI treatment within 16 weeks after the date the client was admitted to DUI treatment, unless the approved DUI service provider extends the time for completion of DUI treatment;
2. Establish criteria the approved DUI service provider considers when determining whether to extend the time for a client's completion of DUI treatment, such as an occurrence of one of the following during the 16 weeks after the date the client was admitted to DUI treatment:
   a. A client serving jail time,
   b. Illness of a client or a family member of the client, and
   c. Death of a family member of the client;
3. Require the approved DUI service provider to provide written notification of the following events to the approved DUI service provider that provided DUI screening and, if applicable, the referring court within five working days after the event:
   a. A client's failure to enroll in DUI treatment by the deadline established by the approved DUI service provider that provided DUI screening or the referring court,
   b. A client's failure to comply with the requirements of DUI treatment, including failure to attend DUI treatment or failure to pay required costs, and
   c. A client's completion of DUI treatment.

B. An administrator shall ensure that a client is given the following information in writing before DUI treatment is conducted and that the client's receipt of the information is documented:

1. The procedures for conducting DUI treatment,
2. The timeline for initiating and completing DUI treatment and criteria the approved DUI service provider considers when determining whether to extend the time for completion of the DUI treatment,
3. The consequences to the client for not complying with the procedures and timeline,
4. The information that will be contained in a report to the approved DUI service provider that provided DUI screening or the referring court, and
5. The cost and methods of payment for DUI treatment.

C. An administrator shall ensure that DUI treatment:

1. Is based upon the information and results obtained from the approved DUI service provider that provided DUI screening or referring court; and
2. Includes 16 hours of DUI education and group counseling that:

a. Is provided by a behavioral health professional or a licensed substance abuse technician under the direct supervision of a behavioral health professional;

b. Is provided according to the number of group sessions that was determined during DUI screening through the DUI screening instrument and behavioral health professional;

c. Includes no more than 15 clients or, if family members participate in group counseling, 20 individuals; and

d. Is documented in a client record according to subsection (H).

D. Participation in a self-help group or peer support program, such as Alcoholics Anonymous or Narcotics Anonymous, is not DUI treatment and does not count toward required hours in DUI treatment.

E. An administrator shall ensure that, for each client, a written report is prepared and provided to the approved DUI service provider that provided DUI screening and, if applicable, the referring court according to the timeline established by the approved DUI service provider that provided DUI screening and the approved DUI service provider that provided DUI treatment that includes:

1. Whether the client:

a. Enrolled in DUI treatment and the date of enrollment;

b. Complied with the requirements of DUI treatment; and

c. Completed DUI treatment and, if so, the date of completion;

2. The client's progress in DUI treatment; and

3. Any recommendation for additional DUI treatment.

F. An administrator shall ensure that:

1. DUI treatment is scheduled to be completed within the time after the date that the client was admitted into DUI treatment, determined according to subsection (A)(1); and

2. A client, after completing DUI treatment, receives an exit interview from an employee that includes a review of the information contained in the report required in subsection (E).

G. The administrator may refer a client back to the approved DUI service provider that provided DUI screening:

1. If the approved DUI service provider that provided DUI treatment determines that the client's treatment needs cannot be met because the client:

a. Requires behavioral health services that the approved DUI service provider is not authorized or able to provide,

b. Has a physical or other disability that the approved DUI service provider is unable to reasonably accommodate, or

c. Requires treatment to be provided in a language in which DUI treatment is not provided by the approved DUI service provider; and

2. With written documentation of the reason that the approved DUI service provider that provided DUI treatment is unable to meet the client's treatment needs and a recommendation for additional or alternative DUI treatment that would meet the client's treatment needs.

H. An administrator shall ensure that a record is maintained for each client that contains:

1. Information and documents received from the approved DUI service provider that provided DUI screening or the referring court regarding the client, if any;
2. Documentation of each group counseling session in which the client participated, including:
   a. The date of the group counseling session,
   b. The topics discussed, and
   c. The client's progress in meeting treatment goals;
3. Documentation of the client's exit interview required in subsection (F)(2);
4. A copy of the report provided to the approved DUI service provider that provided DUI screening or referring court as required in subsection (E);
5. Documentation of any other written information from or verbal contact with the approved DUI service provider that provided DUI screening or the referring court, if any; and
6. Documentation of the client’s failure to complete DUI treatment according to subsection (A)(3).

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