

§20078-A. Board of appeals

The Driver Education and Evaluation Programs Appeals Board, established in section 12004-G, subsection 15-A, is referred to as the "board" in this subchapter and is governed by this section. [PL 1993, c. 631, §7 (NEW).]

1. Qualifications. Each member of the board must have training, education, experience and demonstrated ability in successfully treating clients who have substance use disorder. Board members may not hold a current certificate to provide driver education, evaluation and treatment services during their terms of appointment.
[PL 2017, c. 407, Pt. A, §46 (AMD).]

2. Appointment; term; removal. The board consists of 3 members appointed by the Governor for 2-year terms; initially, however, 2 members are appointed for 2-year terms and one member for a one-year term. A vacancy occurring prior to the expiration of a term must be filled by appointment for the unexpired term. Members may be removed by the Governor for cause.
[PL 1993, c. 631, §7 (NEW).]

3. Facilities; staff. The commissioner shall provide staff support and adequate facilities for the board.
[PL 2011, c. 657, Pt. AA, §53 (AMD).]

4. Chair; rules. The board shall elect annually a chair from its members. The commissioner shall adopt rules to carry out the purposes of this section.
[PL 2011, c. 657, Pt. AA, §54 (AMD).]

5. Compensation. Each member of the board is entitled to compensation in accordance with chapter 379.
[PL 1993, c. 631, §7 (NEW).]

6. Appeal from decision. A client of Driver Education and Evaluation Programs may appeal to the board as follows.

A. The client may appeal a failure to certify completion of treatment pursuant to section 20072, subsection 2. [PL 1993, c. 631, §7 (NEW).]

B. The client may appeal an evaluation decision referring the client to treatment or a completion of treatment decision. A client may appeal under this paragraph only after the client has sought a 2nd opinion of the need for treatment or of satisfactory completion of treatment. [PL 1999, c. 448, §10 (AMD).]

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7. Appeal procedure and action. An appeal is heard and decided by one board member. The board may affirm or reverse the decision of the treatment provider or agency, require further evaluation, make a finding of completion of treatment or make an alternate recommendation. The board, after due consideration, shall make a written decision and transmit that decision to the Driver Education and Evaluation Programs and the client who appealed the case. The decision of the board is final agency action for purposes of judicial review pursuant to chapter 375, subchapter VII.
[PL 1993, c. 631, §7 (NEW).]

SECTION HISTORY

PL 1993, c. 631, §7 (NEW). PL 1999, c. 448, §10 (AMD). PL 2011, c. 657, Pt. AA, §§53, 54 (AMD). PL 2017, c. 407, Pt. A, §46 (AMD).

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