

PART H: SPECIAL PROGRAMS

H-22 SUBSTANCE USE DISORDERS (SUD)

GENERAL CONSIDERATIONS

NJDVRS serves individuals with Substance Use Disorders (SUD) in recovery. Such individuals may apply for services and may be determined eligible based on having significant functional limitations as a result of their history of a SUD. Every applicant is assessed on an individual basis. There is no minimum sobriety period that an individual is required to have prior to referral or application to NJDVRS. However, individuals are expected to be abstinent at the time of referral or application, and demonstrate a continued commitment to their recovery program. VR counselors are responsible, to the best of their ability, for assessing and monitoring the client's sobriety through methods deemed appropriate such as: client observation, behavioral indicators, drug testing and consultations with SUD treatment providers.

Any individual who applies to NJDVRS will be asked about their substance use regardless of the reported disability at the time of application. If the VR counselor determines that there is an indication of the individual having a SUD, the VR counselor will conduct a further screening and if appropriate refer the individual for a SUD evaluation. Individuals diagnosed with a SUD will be referred for the appropriate treatment when indicated.

VR Counselors are advised to consult with the NJDVRS SUD Best Practices Manual as a reference tool for pertinent matters such as sobriety determination, screening methods, eligibility determination, treatment, and recovery resources.

DIAGNOSTIC CRITERIA

NJDVRS recognizes the diagnostic criteria for Substance Use Disorders as defined in the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders IV-TR, (DSMIV-TR). According to the DSMIV-TR, SUD is a maladaptive pattern of substance use that falls into the category of either a Substance Dependency Disorder or a Substance Abuse Disorder. For purposes of NJDVRS, clients with an SUD will have either dependency or chronic abuse patterns involving alcohol, prescription medication, over the counter medications, inhalants, illegal drugs or a combination of substances.

CO-OCCURRING DISORDERS

Given that individuals with an SUD have a higher incidence of mental health disorders than the general population; VR counselors will utilize their clinical skills to screen all SUD clients for having a possible co-occurring disorder. VR counselors will also determine the need for a referral for a mental health evaluation if this has not already been done prior to application to NJDVRS.

There is also a higher incidence of traumatic brain injury (TBI) for individuals having an SUD, with the SUD often being secondary to the TBI. As such VR counselors will screen all TBI clients for having a possible SUD and determine the need for any further evaluations.

ELIGIBILITY

Eligibility determination is based on each of the following criteria:

- **Documented SUD diagnosis-** The client's SUD needs to be documented by a professional considered qualified to make the diagnosis. All categories below will be accepted with *preference* given to categories A or B.
 - a. Licensed clinical alcohol and drug counselors (LCADC) Note: an evaluation done by a certified alcohol and drug counselor (CADC) may also be used if done under the direct supervision and signature of an LCADC.
 - b. Licensed psychiatrist with a certification from the American Board of Addiction Medicine (ABAM), or American Board of Psychiatry and Neurology (ABPN).
 - c. Licensed mental health professionals working within a state licensed SUD/addiction facility or treatment center to include categories (a) and (b) in addition to: Psychiatrist, licensed Psychologist, Licensed Clinical Social Worker (LCSW), licensed Professional Counselor (LPC) or licensed Marriage & Family Therapist (LMFT). Note: these are the professional categories recognized by SUD facilities licensed by the state to conduct "comprehensive (SUD) assessments."
 - d. Licensed mental health clinicians working in private practice or mental health treatment centers to include: category (a) and (b) in addition to: Psychiatrists, Licensed APN (Advanced Practice Nurse) of psychiatry/mental health with master's degree, Licensed Clinical Social Worker (LCSW), or licensed Psychologist.

When the licensed professional (as outlined in category (d)) is not part of a SUD facility and/or lacks the LCADC or CADC certification, the VR counselor will exercise their judgment as to using this professional's diagnosis of a SUD. The use of such diagnosis would be most appropriate in cases where there is an established therapeutic relationship between the client and clinician.

If a client, when applying to NJDVRs, does not have documentation of a SUD, the VR Counselor will refer the client for a clinical evaluation done by a qualified professional as stated above.

- **Significant functional limitations related to employment-** Impediments to employment may include among other factors: inadequate education and/or work history, limited tolerance for stress, impaired self-direction and/or self-care, impaired coping or interpersonal skills, impaired working memory, impaired cognitive and motivational processes, and poor decision and choice making. VR Counselors will determine and document how substance abuse or a co-occurring condition affects the client's ability to prepare for, obtain, or maintain employment.

Other eligibility considerations:

- **Demonstrated commitment to an appropriate SUD treatment program** - The VR Counselor will assess the individual's compliance with a SUD treatment program as well as the appropriate

level of care for that individual based on the VR Counselor's clinical judgment and/or when needed the assessment of a SUD clinician. It is understood that such treatment for eligible clients may range from an intensive out-patient program to recovery support groups depending on the nature and course of the individual's SUD. For some, prescribed medications may also be part of the individual's treatment and recovery plan.

- **Determination of work readiness** - Work readiness may be assessed by one or more of the following: client recognizes the SUD as a disability, is actively participating in a substance abuse treatment program (if clinically indicated), is committed to recovery, is complying with any prescribed addictions and/or medical treatment, is able and willing to participate in the VR process and is capable of working in competitive employment.

INELIGIBILITY

Clients who are actively engaging in the illegal use of drugs at the time of referral or application will not be made eligible for NJDVRS services. In addition, if such use is determined during the VR process, this may lead to case closure or a suspension of services. This assessment will be determined by the VR counselor on an individual basis and based on factors such as the client's unwillingness to maintain sobriety and participate in a treatment program.

Clients who self-report or who are suspected of prescription drug abuse should be screened by the VR counselor and referred for a SUD evaluation when appropriate. In such cases, the client's case may be closed or services suspended based on the same criteria applied for those using illegal drugs.

As outlined in the Rehab Act of 1973 as amended, Section 7 (20) (i), an individual with a disability does not include an individual "who is an alcoholic and whose current use of alcohol prevents such individual from performing the duties of the job in question or whose employment, by reason of such current alcohol abuse, would constitute a direct threat to property of the safety of others." When a client is suspected of such activity as outlined above, such individual must agree to comply with a SUD evaluation and follow any treatment recommendations in order to be considered eligible for NJDVRS services.

Any client reporting a "recreational use" of alcohol or drugs or history of substance use will be assessed by the VR counselor as to the need for a SUD evaluation and will be informed of their possible ineligibility for services.

RELAPSES

In the event a client relapses, the VR counselor should re-assess the client's readiness for VR services, and at the same time not consider such relapse to be an automatic rationale for case closure. This assessment will be made on a case by case basis and could include possible closure in addition to a suspension or interruption of all NJDVRS services. Such determination should consider the individual's severity of relapse, addiction history, commitment to regained sobriety, participation in recommended treatment, recommendations of a treatment provider, and any other pertinent factors.

DRUG TESTING

At the VR counselor's discretion, random drug testing may be conducted by a NJDVRS designated facility. Such testing could be warranted if a client has reported or is suspected of current drug use. As in the case of relapses, a positive test result may indicate case closure, but only after having made a comprehensive assessment of the client's commitment to sobriety, work readiness and an appropriate plan for recovery. Clients suspected of current drug use who refuse testing will be informed of their case closure in accordance with NJDVRS policy. It is advised that the determination of case closure or suspension as a result of a client's drug test and/or relapse be made in consultation with a VR Supervisor, Manager and/or SUD treatment provider. As a general practice it is advised that the VR Counselor be aware of any prescribed medications that the client is taking prior to making the referral for drug testing.

MEDICAL MARIJUANA

Individuals who are using marijuana for medical purposes as legislated by the New Jersey Compassionate Use Medical Marijuana Act (P.L. 2009, c.307 (S119 3R)) will be considered for eligibility determination with NJDVRS.

Such individuals must be determined eligible for NJDVRS based on the criteria used for all clients in addition to being in compliance with all terms of the Medical Marijuana Act to include:

- having one or more of the designated "debilitating medical conditions";
- using the marijuana as a medical treatment for such condition;
- proof of current registry with the state health department;
- demonstrate proof of treatment compliance from one of the designated "Alternative Treatment Centers" in New Jersey, authorized to dispense the marijuana as sanctioned by the state

The individual must also provide the appropriate documentation to NJDVRS to indicate a "medical clearance" to work.
