(b) For treatment services, the provider shall document the treatment intervention and progress with respect to the client’s goals as identified in the treatment plan.

(c) Providers shall maintain all required documentation in its original form for a minimum of five years or longer if required by applicable statutes and regulations, subject to review by the department. In the event of a dispute concerning a service provided, the provider shall maintain documentation until the end of the dispute, five years or the time required by applicable statues and regulations, whichever is greater.

(d) The department may disallow and recover any amounts paid to the provider for which required documentation is not maintained and provided to the department upon request.

(e) The department may audit any relevant records and documentation and take any other appropriate quality assurance measures it deems necessary to assure compliance with these and other regulatory and statutory requirements.

(f) Providers shall make all entries in ink or electronically and shall incorporate all documentation into a client’s permanent medical record in a complete, prompt and accurate manner.

(g) Providers shall make all documentation available to the department upon request in accordance with 42 CFR 431.107.

Statement of purpose: The purpose of the regulations is to add licensed behavioral health clinicians as independent practitioners that may bill the department and to establish rules governing payment for these services.

Be it known that the foregoing regulations are adopted by the aforesaid agency pursuant to Sec. 17b-262 of the General Statutes, after publication in the Connecticut Law Journal on January 17, 2012, of the notice of the proposal to adopt such regulations.

Wherefore, the foregoing regulations are hereby adopted, effective when filed with the Secretary of the State.


Approved by the Attorney General as to legal sufficiency in accordance with Sec. 4-169, as amended, Connecticut General Statutes: October 26, 2012.

Approved by the Legislative Regulation Review Committee in accordance with Sec. 4-170, as amended, of the General Statutes: December 18, 2012.

Two certified copies received and filed, and one such copy forwarded to the Commission on Official Legal Publications in accordance with Sec. 4-172, as amended, of the General Statutes, Secretary of the State: December 28, 2012.

DEPARTMENT OF MOTOR VEHICLES

Ignition Interlock Devices

Section 1. Sections 14-227a-11a and 14-227a-12a of the Regulations of Connecticut State Agencies are amended and the following is substituted in lieu thereof:

Ignition Interlock Devices

Sec. 14-227a-11a. Scope
(a) The purpose of sections 14-227a-11a to 14-227a-28a, inclusive, of the Regulations of Connecticut State Agencies is to implement the provisions of the Connecticut General Statutes governing the installation and use of ignition interlock devices in motor vehicles. These sections include, inter alia, the procedures for the approval of ignition interlock devices, for the proper calibration and maintenance of such devices, for the installation of such devices by a person approved and authorized
by the Department of Motor Vehicles, and for permitting a person to operate a
motor vehicle after his or her Connecticut operator’s license or non resident operating
privilege has been suspended due to a conviction for a first, second or subsequent
violation of subsection (a) of section 14-227a of the Connecticut General Statutes.
(b) Sections 14-227a-11a to 14-227a-28a, inclusive, of the Regulations of Connect­
icut State Agencies shall apply only to those devices installed under authority of
subsection (g) and (i) of section 14-227a, section 14-227j and subsection (i) of
section 14-111 of the Connecticut General Statutes or any successor statutes.

Sec. 14-227a-12a. Definitions
As used in sections 14-227a-11a to 14-227a-28a, inclusive, of the Regulations of Connecticut State Agencies:
(1) “‘Alcohol set point’ or ‘start-up set point’” means the blood alcohol content,
established pursuant to subsection (a) of section 14-227j of the Connecticut General Statutes, at or above which the device shall prevent the motor vehicle in which it
is installed from starting;
(2) “‘Applicant’ means a manufacturer or its authorized representative seeking
the Department’s approval of an ignition interlock device;
(3) “‘Approval’ means meeting and maintaining the requirements for placement
on a list of approved ignition interlock devices;
(4) “‘Blood alcohol content’ or ‘BAC’ means the grams of ethyl alcohol per
one hundred (100) milliliters of blood expressed as percentage, or grams of alcohol
per 210 liters of breath;
(5) “‘Circumvent’ means an overt attempt to bypass the ignition interlock device
by providing samples other than the natural unfiltered breath of the operator, or by
starting the vehicle without using the ignition switch, or any other act intended to
allow the vehicle to start or continue to operate without the operator first taking
and passing a breath test;
(6) “‘Commissioner’ means the Commissioner of Motor Vehicles;
(7) “‘CSSD’ means the Court Support Services Division of the Judicial Branch
of the State of Connecticut;
(8) “‘Department’ means the department of motor vehicles;
(9) “‘Device’ means an ignition interlock device or breath alcohol ignition inter­
lock device;
(10) “‘Failed rolling re-test’ means a breath test taken by the operator of a vehicle
equipped with an ignition interlock device while the vehicle is running that shows
the operator has a BAC at or above the alcohol set point.
(11) “‘Failed start-up test means a breath test taken by the operator of a vehicle
equipped with an ignition interlock device prior to starting the vehicle’s ignition
which registers a BAC at or above the alcohol set point, and which prevents the
vehicle from starting;
(12) “‘Ignition interlock device,’’ or “IID,” also known as “breath alcohol
ignition interlock device,’’ shall have the meaning set forth in subsection (a) of
section 14-227j of the Connecticut General Statutes;
(13) “‘Independent testing laboratory’ means a testing laboratory or analytical
chemist not affiliated with a manufacturer of ignition interlock devices that is
qualified to test ignition interlock devices or reference samples;
(14) “‘Installer’ means a manufacturer’s representative who is authorized to
install, maintain and remove an ignition interlock device;
(15) “‘Manufacturer’ means any person engaged in the manufacturing or assem­
bling of ignition interlock devices;
(16) “‘Model specifications’ means the Model Specifications for Breath Alcohol
Ignition Interlock Devices (BAIID) of the National Highway Traffic Safety Adminis-
tion, published in Federal Register Volume 57, Number 67, pages 11772-11787, or any amendment thereto;

(17) "Owner" has the meaning set forth in subdivision (61) of subsection (a) of section 14-1 of the Connecticut General Statutes, and includes a lessee of a motor vehicle;

(18) "Purge" means the process whereby a device cleanses or removes a previous breath test sample from the device and specifically removes residual alcohol;

(19) "Rolling re-test means a breath test required within randomly variable intervals while an operator is driving a vehicle equipped with an IID to ensure that the operator's BAC remains below the alcohol set point;

(20) "Security" means the protection and safeguards incorporated into ignition interlock devices to ensure proper performance and to ensure against failure caused either by inherent defects or human tampering that causes the device not to operate as designated;

(21) "Service center" means a physical location in Connecticut where IIDs are installed, serviced and removed and includes mobile service units;

(22) "Service period" means the interval between service visits;

(23) "Service visit" means a required visit by the operator to a service center to have an IID inspected, monitored or maintained. An initial service visit shall be conducted within thirty (30) days of IID installation, and regularly thereafter in service periods of twenty-five (25) to thirty (30) days;

(24) "Tampering" means an overt attempt to physically alter or disable an IID, or disconnect it from its power source, or remove, alter or deface physical anti-tampering measures, so an operator is able to start or continue to operate the vehicle without taking and passing a required breath test and;

(25) "Violation" means one of the following acts or omissions by a person who is required to operate with an IID:

(a) Failing to appear for an IID service visit within five days of the scheduled service date;
(b) A second or subsequent occasion of failing a rolling re-test;
(c) Failing to submit to a rolling retest;
(d) Tampering with or attempting to tamper with or circumventing or attempting to circumvent the IID, based upon a report to the commissioner and CSSD from the manufacturer or installer;
(e) Operating a vehicle without a required IID;
(f) Removing an IID without authorization;
(g) Requesting or soliciting another person to blow into or otherwise activate the device for the purpose of providing the restricted driver with an operable motor vehicle.

Sec. 2. Section 14-227a-14a of the Regulations of Connecticut State Agencies is amended and the following is substituted in lieu thereof:

**Sec. 14-227a-14a. Application for approval of device**

(a) An applicant seeking approval of an IID shall apply to the commissioner on such forms as the commissioner may prescribe.

(b) The applicant shall certify the following with respect to each make or model device for which approval is sought:

(1) The device does not impede the safe operation of the vehicle;
(2) Circumvention and tampering opportunities are minimized;
(3) The device correlates accurately with established measures of blood alcohol levels;
(4) The device performs accurately and reliably in an unsupervised environment;
(5) The device requires a proper and accurate measure of blood alcohol levels;
(6) The device operates reliably over a range of motor vehicle environments or motor vehicle manufacturing standards;
(7) The device provides an electronic record of the driver’s experience with the device;
(8) Regardless of make or model, or the fact that the device is leased or sold, it meets the requirements of sections 14-227a-11a to 14-227a-28a, inclusive, of the Regulations of Connecticut State Agencies;
(9) The device uses a fuel cell sensor;
(10) The device shall be recalibrated and inspected and data from the device shall be downloaded every thirty (30) days; and
(11) Breath test results shall not be subject to interference or alteration by radio signals.

c) An applicant shall provide the commissioner with the following information:
(1) The name and address of the manufacturer;
(2) The name and model number of the device;
(3) A detailed description of the device and its principal of operation, including instructions for its installation and operation;
(4) Technical specifications descriptive of the device’s accuracy, security, data collection and recording, tamper detection and environmental features;
(5) A certificate from an insurance company authorized to do business in Connecticut providing evidence that the manufacturer holds product liability insurance with minimum liability limits of one hundred thousand dollars ($100,000) per occurrence, with three hundred thousand ($300,000) aggregate total. The liability covered shall include defects in product design and materials, as well as workmanship during manufacture, calibration, installation and removal. The proof of insurance shall include a statement from the insurance carrier that thirty (30) days notice shall be given to the commissioner prior to cancellation;
(6) A copy of drawings, schematics, installation manual and wiring protocols for the device and its components if requested, to the extent such information is not claimed to be proprietary or would be subject to public disclosure;
(7) A list with the name, address, and license number of any person or firm that has been certified as qualified to install, maintain, calibrate or remove the applicant’s device;
(8) Such other information as the commissioner may require.

d) The applicant shall submit an affidavit to the commissioner, certifying that the individual submitting the application is authorized by the manufacturer to act on its behalf.

e) The applicant shall agree that it shall bear the costs associated with processing the application, including the costs of providing the commissioner with an affidavit from an independent testing laboratory regarding the make and model of device for which approval is sought.

(f) The applicant shall provide an affidavit from an independent testing laboratory certifying that the make and model of device submitted for approval meets or exceeds all requirements set in sections 14-227a-11a to 14-227a-28a, inclusive, of the Regulations of Connecticut State Agencies. Such affidavit shall further provide:
(1) The name and location of the independent testing laboratory;
(2) The address and telephone number of the independent testing laboratory;
(3) A description of the tests performed;
(4) Copies of the data and results of the testing procedures; and
(5) The names and qualifications of the individuals performing the tests.

g) The applicant shall agree to provide the commissioner with written notification of any denial, suspension or revocation by any government authority of an approval
of its device within thirty (30) days of the date that the manufacturer receives notice
of such action.

Sec. 3. Sections 14-227a-19a to 14-227a-27a, inclusive, of the Regulations of
Connecticut State Agencies are amended and the following is substituted in lieu
thereof:

Sec. 14-227a-19a. Approval of IID installers

(a) In order to install, inspect, maintain, calibrate or remove an IID, a person or
firm shall be identified on a current official list of installers submitted to the
commissioner by each manufacturer of an approved IID. Each installer shall be
trained and certified by the manufacturer. Each manufacturer shall provide to the
commissioner such information concerning each of its installers as the commissioner
may request, including an estimate of the charges of each such installer to install,
inspect, maintain, calibrate and remove an IID. Each installer shall have at least
one fixed location with a street address in Connecticut that serves as its base of
operations and at which records are maintained.

(b) If the commissioner has reason to believe that any installer is performing its
responsibilities in any manner that is detrimental to, and not in the best interests
of, the administration of any provision of sections 14-227a-11a to 14-227a-28a,
inclusive, of the Regulations of Connecticut State Agencies, including any matter
set forth in section 14-227a-24a of the Regulations of Connecticut State Agencies,
the commissioner shall notify the manufacturer to take appropriate action to rectify
the situation, up to and including the revocation of the certification of such installer.

(c) An installer shall be authorized to install, maintain, calibrate or remove only
that device, or devices, listed in the manufacturer’s certification letter.

(d) No installer shall permit customers or other unauthorized persons to observe
the installation, servicing, calibration or removal of a device.

Sec. 14-227a-20a. Installation of IID

(a) Prior to installing an IID, the Installer shall obtain a written authorization to
perform the work from the owner of the motor vehicle, on an invoice signed by
the owner, which shall include an estimate of the cost of installation, together with
a written copy of the list of costs for periodic inspection of the device, maintenance,
calibration and removal.

(b) The Installer shall provide the department with written notification whenever
an IID is installed in or removed from a motor vehicle in accordance with sections
14-227a-11a to 14-227a-28a, inclusive, of the Regulations of Connecticut State
Agencies. The notification shall include the name and operator’s license number of
the person who requested to have the device installed or removed from a motor
vehicle, the odometer reading of the vehicle in which the device is to be installed
or removed and a description of the motor vehicle, including the vehicle identifica-
tion number.

Sec. 14-227a-21a. Maintenance and calibration of IID

(a) At the time of installation, the Installer shall provide the owner of the motor
vehicle with a written schedule of required inspections. The Installer shall inspect
the IID every thirty (30) days to insure that the device is working properly and, in
this regard, shall perform any necessary maintenance or calibration and shall record
the mileage from the vehicle’s odometer. If the manufacturer or installer removes and
replaces an existing device, or any part thereof, in connection with the maintenance or
calibration of the device, such removal and replacement shall be completed at a
service center.
Sec. 14-227a-22a. Reports of operator default or violation

(a) The Installer, manufacturer or manufacturer's representative shall immediately file a report with the commissioner, CSSD and such other entities as the commissioner designates in such manner as the commissioner requires, upon discovering:

(1) Evidence of circumventing, disabling or tampering with a device; (2) Failing a rolling re-test; (3) Failing to submit to a rolling re-test; (4) A failed start-up test; (5) A missed service visit or; (6) Removal of the device.

(b) The report shall include the following information:

(1) Name and position of the person submitting the report; (2) Date and time of the incident or violation giving rise to the report; (3) Reason for the report and if applicable, documentation to support the report; (4) Driver's name and driver license number and; (5) Registration number and vehicle identification number of the vehicle in which the device is installed.

Sec. 14-227a-23a. Maintenance of records

The Installer, manufacturer or manufacturer's representative shall keep a record of the installation, inspection, maintenance, calibration and removal of each IID. The record shall be maintained for a period of five (5) years, and shall be made available for inspection by the department at any time upon twenty-four (24) hours notice.

Sec. 14-227a-24a. Suspension or revocation of installer

(a) A manufacturer shall suspend or revoke a person's or firm's authorization as an Installer for any of the following reasons:

(1) The Installer failed to properly install, inspect, maintain, calibrate or remove an IID;

(2) The Installer failed to make a required report to the commissioner in accordance with sections 14-227a-11a to 14-227a-28a, inclusive, of the Regulations of Connecticut State Agencies;

(3) The Installer failed to make or maintain the records in accordance with sections 14-227a-11a to 14-227a-28a, inclusive, of the Regulations of Connecticut State Agencies;

(4) The Installer tampered with the IID; or

(5) Any other reasonable cause related to the installation, inspection, maintenance, calibration or removal of an IID.

(b) The manufacturer shall notify the commissioner promptly in writing of any action taken pursuant to subsection (a) of this section.

Sec. 14-227a-25a. List of approved IIDs and installers

The department shall maintain an official list of approved IIDs, of manufacturers, and of certified Installers. The department also shall maintain contact information, including toll free telephone numbers, for manufacturers whose IIDs have been approved. Such list and information shall be made available to any person who seeks to have an IID installed in accordance with sections 14-227a-11a to 14-227a-28a, inclusive, of the Regulations of State Agencies.

Sec. 14-227a-26a. Permission to operate motor vehicle with an IID

(a) Any person who is ordered by the Superior Court not to operate any motor vehicle unless such motor vehicle is equipped with an IID shall apply to the commissioner for permission to install and use such a device in all motor vehicles owned by such person or operated by such person. The commissioner shall grant such permission if: (1) the commissioner has received reliable information that such order has been made, including any special conditions imposed by the court and (2) such
person’s license or operating privilege is not under suspension by the commissioner or is currently scheduled, as of a date certain, to be suspended for any reason or cause other than an existing suspension pursuant to section 14-227b of the Connecticut General Statutes.

(b) Any person who is convicted of a first or second violation as indicated on such person’s driving history as maintained by the commissioner, of subdivision (1) or (2) of subsection (a) of section 14-227a of the Connecticut General Statutes and, as a consequence, has had his or her motor vehicle operator’s license or nonresident operating privileges suspended, shall apply to the commissioner for permission to operate a motor vehicle that is equipped with an approved IID. The commissioner shall grant such permission if: (1) such person has been convicted on or after January 1, 2012 and has served not less than forty-five days of such suspension; (2) such person has installed an approved IID in each motor vehicle owned or to be used by such person, and (3) such person’s license or operating privilege is not under suspension by the commissioner or currently scheduled, as of a date certain, to be suspended for any other reason or cause other than an existing suspension pursuant to section 14-227b of the Connecticut General Statutes.

(c) The commissioner shall not restore the motor vehicle operator’s license or operating privilege of any person who is convicted of a first or second violation of subdivision (1) or (2) of subsection (a) of section 14-227a of the Connecticut General Statutes, until such person has installed an approved IID in each of the driver’s motor vehicles, as defined in 23 Code of Federal Regulations, section 1275.3 (b), and shall not authorize the removal of the device until such person has maintained it for the period of time required by law, including any extension of such period that is imposed by the commissioner pursuant to subsection (b) of section 14-227a-27a of the Regulations of Connecticut State Agencies.

(d) The commissioner shall establish a procedure for any person identified in subsections (a), (b) or (c) of this section to obtain permission to operate a motor vehicle that is equipped with an approved IID. The procedure shall require each such person to complete and execute a written application, which shall contain such information and affirmations by such person as the commissioner may prescribe. Prior to having an approved IID installed, any person seeking to operate a motor vehicle equipped with an approved IID may request a preliminary determination from the department as to whether such person otherwise meets the requirements, as stated in subsections (a) and (b) of this section, for such person’s application to be granted. The commissioner shall make available for review by CSSD application materials and driver records of all persons who apply for IIDs.

(e) If permission is granted to a person by the commissioner under subsection (d) of this section, the department shall place a notation on the official record of such person’s license or Connecticut operating privilege, to indicate that such license or privilege is restricted, and that the holder is authorized to operate motor vehicles that are equipped with an approved, properly functioning IID, and no other motor vehicles. Such restriction shall be known as an IID restriction. The commissioner may place the designation “IID” or similar designation, on the operator’s license record of any person who is granted permission to operate a motor vehicle in accordance with the provisions of this section. The department shall take steps necessary to furnish information concerning each IID restriction to the Connecticut On-Line Law Enforcement Communications Teleprocessing System (COLLECT system).

(f) If permission as described herein is granted by the commissioner, it shall be the responsibility of such person to have each motor vehicle, owned or operated by such person, that is equipped with the IID inspected by the Installer every thirty
(g) The person shall be provided with a document by the department evidencing the fact that the commissioner has granted such person permission to operate a specific vehicle or vehicles equipped with an IID. This document shall be kept in the vehicle whenever the person is operating the vehicle.

(h) A person who has been ordered by a court to operate only a vehicle equipped with an IID as described in subsection (a) of this section shall not be permitted to remove the IID until the commissioner receives documentation from such court that the order is no longer in effect. A person who is authorized to operate with an IID as a result of a conviction under subdivision (1) or (2) of subsection (a) of section 14-227a of the Connecticut General Statutes, as described in subsection (b) of this section, shall not remove an IID until the commissioner notifies such person that he or she has fulfilled the IID restriction.

Sec. 14-227a-27a. Suspension or revocation of permission to operate with an IID

(a) The commissioner shall suspend or revoke a person's permission to operate a motor vehicle equipped with an IID, in accordance with sections 14-227a-11a to 14-227a-28a, inclusive, of the Regulations of Connecticut State Agencies in the event that such person is convicted of an offense or violation of law that requires a suspension of the license or operating privilege. After such person serves the license or privilege suspension, the IID restriction shall resume for the duration of the original IID period, and shall be extended for the length of time that such suspension was in effect and if applicable, for any additional time specified in subsection (b) of this section.

(b) For each violation of the IID restriction, as defined in section 14-227a-12a of the Regulations of Connecticut State Agencies, the duration of the operator's IID restriction shall be extended by thirty (30) days. The unauthorized removal of a device shall also result in an additional extension of the IID restriction for a period equal to the time that the operator did not have a device on a motor vehicle.

(c) The operator shall be provided with written notice and an opportunity for a hearing, held in accordance with the provisions of Chapter 54 of the Connecticut General Statutes, to contest the proposed suspension or revocation of permission to operate with an IID or for the extension of the IID period under one or more provisions of sections 14-227a-11a through 14-227a-28a of the Regulations of Connecticut State Agencies.

(d) In addition to taking any action authorized by subsection (b) of this section, if the commissioner becomes aware of any reliable information that a person who has been permitted to operate a motor vehicle equipped with an IID has requested or solicited another person to blow into an IID or to start a motor vehicle equipped with an IID for the purpose of providing such person with an operable motor vehicle, in violation of subsection (a) of section 14-227k of the Connecticut General Statutes, or that such person or any other person has tampered with, altered or bypassed the operation of an IID in order to use such vehicle for transportation purposes in violation of subsection (b) of section 14-227k of the Connecticut General Statutes, the commissioner shall report such information to the appropriate law enforcement or prosecuting authority. If the commissioner receives reliable information that an operator has requested or solicited another person to provide a breath sample for the IID, the commissioner may require that such operator install a device with biometric capabilities or that is equipped with a camera.

Sec. 4. The Regulations of Connecticut State Agencies are amended by adding section 14-227a-28a as follows:
Sec. 14-227a-28a. Third or subsequent convictions

Sections 14-227a-11a through 14-227a-27a of the Regulations of Connecticut State Agencies shall apply to the installation and use of an IID authorized after a hearing held in accordance with section 14-111(i)(2) as the result of a third or subsequent conviction for a violation of subdivision (1) or (2) of subsection (a) of section 14-227a of the Connecticut General Statutes.

Statement of purpose: The purpose of these amendments is to implement the changes to Connecticut law governing the installation and use of ignition interlock devices as a result of Sections 51, 52, 53, 54, 55, and 56 of Public Act 2011-48.

Be it known that the foregoing regulations are adopted and amended as hereinabove stated by the aforesaid agency pursuant to Sec. 14-227a of the General Statutes, after publication in the Connecticut Law Journal on August 7, 2012, of the notice of the proposal to adopt and amend such regulations.

Wherefore, the foregoing regulations are hereby adopted and amended as hereinabove stated, effective when filed with the Secretary of the State.


Approved by the Attorney General as to legal sufficiency in accordance with Sec. 4-169, as amended, Connecticut General Statutes: October 11, 2012.

Approved by the Legislative Regulation Review Committee in accordance with Sec. 4-170, as amended, of the General Statutes: December 18, 2012.

Two certified copies received and filed, and one such copy forwarded to the Commission on Official Legal Publications in accordance with Sec. 4-172, as amended, of the General Statutes. Secretary of the State: December 31, 2012.