

## **PROTOCOL FOR 2<sup>ND</sup> OPINION** **ALCOHOL/DRUG ASSESSMENTS**

Chelan County District Court Probation recognizes the right of any defendant who is a client of this department to seek a second opinion should they disagree with an initial alcohol/drug assessment diagnosis (NOT the proposed treatment plan, however). This right will not be denied, but will be controlled to some extent. Thus, any probationer wishing to exercise their right to a 2<sup>nd</sup> opinion **must** process the second assessment request through this office. (Please follow the check list on the reverse side.)

Additionally, any treatment provider conducting a 2<sup>nd</sup> opinion assessment must also abide by the protocol. It must be made very clear that if this protocol is not followed either by the probationer or the treatment provider, the probation office **will not** accept the 2<sup>nd</sup> opinion assessment. **Further, all parties will make every effort to complete this entire process within 60 days.**

NOTE: This protocol presumes that the first alcohol/drug assessment was conducted according to the Interagency Agreement between treatment providers and the Chelan County District Court. In other words, the assessment was conducted after review of the comprehensive packet provided by probation which includes the arrest report, BAC reading, field sobriety test results, criminal history.

The following is the protocol for all parties involved:

### **The probationer:**

1. Contacts the probation office and schedules an appointment with his/her assigned PO to discuss the first assessment and the possibility of seeking a second opinion.
2. Notifies the probation officer of the intent to obtain a second opinion if a discussion of the first assessment does not resolve the disagreement.
3. Signs a release of information (ROI) for the agency that will conduct the second assessment, thus authorizing the exchange of information with probation and the 2<sup>nd</sup> assessing agency.
4. Understands that the 2<sup>nd</sup> agency must obtain the first assessment from the previous agency, and review that process in addition to reviewing the probation packet prior to conducting the interview for the 2<sup>nd</sup> opinion.

Thus the probationer must contact the first agency, inform the first agency of his/her plan to seek a 2<sup>nd</sup> opinion, and sign a ROI for the 2<sup>nd</sup> agency immediately.

5. Agrees not to revoke any ROI's during this process. Doing so will stop the process and the original diagnosis will be accepted.
6. Agrees to abide by the final decisions reached by the two evaluators and the probation officer.

**The probation officer:**

1. Carefully reviews the first assessment with the client.
2. Informs the client that the costs for the entire 2<sup>nd</sup> opinion assessment process (including copying fees from the 1<sup>st</sup> agency) is the client's responsibility.
3. Has client sign a new ROI for 2<sup>nd</sup> agency.
4. Sends a new packet (containing the arrest report, field sobriety and BAC test results, and criminal history) to the 2<sup>nd</sup> agency, with a copy of the first referral with the words "2<sup>nd</sup> Opinion" written in red.
5. Mediates any continuing disagreements between the two evaluators to arrive at a negotiated or compromised diagnosis. If no agreement can be reached, the probation officer will schedule a court review to decide the matter, or make a decision if the parties agree to such.
5. Engages in NO discussions about ethics or professional conduct or litigation, unless it relates to substandard care on the part of any agency or evaluator.

**The first chemical dependency counselor:**

1. Upon notice and ROI from the probationer and official request by the 2<sup>nd</sup> agency, will immediately provide all pertinent materials regarding the first assessment to the 2<sup>nd</sup> agency.
2. Will actively participate in any consultations with the 2<sup>nd</sup> evaluator,

sharing observations and opinions as needed. NOTE: Consultation is only required if there is disagreement over the diagnosis.

**The second chemical dependency counselor:**

1. Will inform to the first evaluator that a 2<sup>nd</sup> opinion assessment is being conducted and is requesting all pertinent materials regarding the first assessment, after obtaining ROI's for probationer and the 1<sup>st</sup> evaluating agency.
2. Reviews 1<sup>st</sup> assessment and probation packet in detail.
3. Interviews probationer, reviewing all documents received from probation and 1<sup>st</sup> evaluator.
4. If in agreement with first diagnosis, will notify probationer in writing with instruction to contact probation officer for further direction and/or decisions.
5. If in disagreement with first diagnosis, provides 2<sup>nd</sup> assessment documents to and engages in consultation with first evaluation counselor in an attempt to reach agreement on the diagnosis.
6. If consultation with first evaluator does not resolve disagreement, arranges meeting with probation officer for all parties, minus the probationer, to further mediate.
7. If disagreement remains, DOES NOT engage probationer in treatment until matter is resolved by probation officer. Any treatment so obtained WILL NOT be recognized as satisfying the court order.

**The probationer:**

1. Once agreement has been made on the acceptable diagnosis, the probationer must inform the probation officer which agency he/she selects for treatment.

In summary, the request for 2<sup>nd</sup> opinion assessments are fairly uncommon. However, when they do happen, the Chelan County District Court Probation Department expects

all parties to participate in the process in a highly professional manner. This process is not meant to be a competition; it is meant to provide the court, through its probation office, with the most appropriate assessment of an offenders' needs. At no time will negative or disrespectful comments from one evaluator about another be tolerated. This process, above all, must be about what's in the best interest of the probationer and the safety of the community. If any treating agency has concerns about professional ethics or conduct, complaints should be filed with the appropriate regulatory agency.

Thank you all for your anticipated cooperation with these protocols.