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State of Wisconsin  
Governor Scott Walker



TO: **W-2 Agencies**  
**Children First Agencies**  
**TJ Contractors, Subcontractors, and Staff**  
**TMJ Contractors, Subcontractors, and Staff**

FROM: Margaret McMahon, Director  
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**BWF OPERATIONS MEMO**

No: 17-22

DATE: 12/20/2017

W-2  EA  CF  JAL

RAP  TMJ  Other EP

**SUBJECT: *Controlled Substance Abuse Screening for Certain Work Experience Programs – Change to Threshold for Reasonable Suspicion***

**CROSS REFERENCE:** W-2 Manual Sections [7.3](#), [7.5.1](#)  
Wis. Admin. Code Chs. [DCF 105](#) and [DCF 154](#)  
[Wis. Stat. ss. 49.162](#)  
[BWF Operations Memo 16-04: Eligibility Denials and Case Closures Related to the Drug Screening, Testing, and Treatment Requirements](#)

**EFFECTIVE DATE:** January 1, 2018

**PURPOSE**

The purpose of this memo is to communicate a change to the threshold for determining reasonable suspicion that an individual is abusing a controlled substance as part of the controlled substance abuse screening, testing, and treatment requirements for certain work experience programs.

## **BACKGROUND**

Wis. Stat. s. 49.162, as created by 2015 Wisconsin Act 55, requires screening and, if indicated, testing and treatment for use of a controlled substance without a valid prescription as a condition of eligibility for the following Department of Children and Families (DCF) work experience programs:

- Wisconsin Works (W-2) services for noncustodial parents, including the Case Management for Noncustodial Parents (CMN), Noncustodial Trial Employment Match Program (TEMP) Placement (TNP) and Stipends for Noncustodial Parents (TSP) placements;
- Children First (CF);
- Transitional Jobs (TJ); and
- Transform Milwaukee Jobs (TMJ).

Wis. Stat. s. 49.162, as affected by 2017 Wisconsin Act 59, modifies and expands the controlled substance abuse screening testing and treatment requirements to all adults in the Wisconsin Works (W-2) group, with limited exceptions. The overarching goal is to connect individuals struggling with substance abuse and dependence to treatment services to enable program participants to obtain and maintain family-sustaining employment. Implementation of the changes in 2017 Act 59 will be introduced at a later date, will correspond with the promulgation of the administrative rules, and will require significant modifications to current W-2 policies and practices. The Bureau of Working Families (BWF) has planned a phased approach to screening, testing, and treatment changes, beginning with the adjustment to current procedures for screening described in this memo.

## **POLICY CHANGE**

Wis. Stat. § 49.162 (2) (a) requires that all individuals, as indicated above, who apply for the work experience programs complete a controlled substance abuse screening questionnaire. If the administering agency determines that there is a reasonable suspicion that an individual is abusing a controlled substance based on the answers to the questionnaire, the individual is required to complete a controlled substance abuse test.

Administrative Rules DCF 105 and DCF 154 permit the department to approve one or more questionnaires to screen for controlled substance abuse. DCF has approved use of the 10-item Drug Abuse Screening Test (DAST-10) for screening.

DCF 105 and DCF 154 provide that the determination for reasonable suspicion that an individual is abusing a controlled substance is based on the individual's screening questionnaire score. DCF is changing the scoring threshold for the DAST-10 to ensure all work program participants whose questionnaire responses indicate possible involvement with controlled substances are referred to testing, and treatment if indicated by the test results.

### CURRENT DAST-10 THRESHOLD

Currently, the administering agency must refer an individual for testing based on the following threshold:

- A threshold of 3 “yes” answers on the DAST-10 is required to establish reasonable suspicion that an individual is abusing a controlled substance. The administering agency must require an individual with a score of 3 or greater to undergo testing and, if positive, provide a referral for a substance abuse test.
- A score of 2 or fewer “yes” answers on the DAST-10 does not establish reasonable suspicion of abuse of a controlled substance.

If an individual’s score does not meet or exceed the threshold, the drug testing and treatment requirement is fulfilled.

### NEW DAST-10 THRESHOLD

Effective January 1, 2018, the administering agency must refer an individual for testing based on the following threshold:

- A threshold of 1 “yes” answer on the DAST-10 is required to establish reasonable suspicion that an individual is abusing a controlled substance. The administering agency must require an individual with a score of 1 or greater to undergo testing and provide a referral for a substance abuse test.
- A score of 0 “yes” answers or all “no” answers on the DAST-10 does not establish reasonable suspicion of abuse of a controlled substance.

If an individual’s score does not meet or exceed the threshold, the drug testing and treatment requirement is fulfilled.

### **AGENCY ACTION**

W-2 agencies, Children First agencies, TJ contractors and subcontractors, and TMJ contractors and subcontractors must discuss the changes with staff and update relevant local agency procedures accordingly.

### **CONTACTS**

For W-2 Policy Questions in the Balance of State: Bureau of Regional Operations, W-2 Regional Coordinators

For W-2 Policy Questions in Milwaukee: Milwaukee Operations Section Regional Administrators

For TMJ/TJ Policy Questions: TMJ Contract Manager, (608) 422-6276

For Children First Policy Questions: [BCSInfo@wisconsin.gov](mailto:BCSInfo@wisconsin.gov)