

**Substance Abuse and Crime Prevention Act
STATEWIDE ADVISORY GROUP MEETING SUMMARY
September 6, 2001 -- Sacramento**

DIRECTOR'S WELCOME AND REPORT

Department of Alcohol and Drug Programs (ADP) Director Kathryn Jett began her report with congratulations to Statewide Advisory Group member Susan Blacksher on the "Recovery Happens" event that was held at the State Capitol on September 5. Director Jett commented that there were a number of new faces in the crowd of about 500, and that the event made a lot of new friends for recovery in the legislature. She announced the appointment of Advisory Group member David DeAlba to the Superior Court bench. Marc Nolan, who will now represent the Attorney General's Office on the Statewide Advisory Group, was introduced. Additional announcements included:

- Fifty-six counties have had their SACPA plans reviewed and approved. Allocation checks have been sent to those counties.
- A Lead Agency Implementation Meeting is planned for November 5, 2001, at the Sacramento Hilton. Sponsored by the federal Center for Substance Abuse Treatment (CSAT), the conference will provide an opportunity for lead agencies to discuss implementation challenges and successes.
- Proceedings of the "Proposition 36 -- Making It Work!" Conference held in May 2001, in San Diego have been sent to Statewide Advisory Group members. ADP is working with the California Endowment to develop resource support for a similar conference in 2002.
- Communication was received from Bill Vickery of the Administrative Office of the Courts (AOC) concurring with suggested guidelines for handling cross-jurisdictional cases. The Statewide Advisory Group's Cross-Jurisdictional Subcommittee working jointly with the Proposition 36 Models Group of AOC developed the recommendation. The communication urged ADP to issue a policy advisory based on the recommendation. Additionally, AOC recommended that ADP work closely with AOC to encourage the legislature and the governor to address jurisdictional issues legislatively. Continued collaboration between ADP and AOC on the evaluation of SACPA was encouraged, specifically in determining whether the funding for the evaluation process is adequate. AOC has also been instrumental in ensuring that information regarding SACPA is transmitted to presiding judges.

Director Jett reported that ADP has received numerous inquiries from other states regarding SACPA. Since some states, such as Washington, do not have an

initiative process, they are working legislatively to create programs similar to SACPA. The critical issue seems to be that, despite concurrence on a program, the funding may not be available.

LEGISLATIVE UPDATE

Director Jett briefly addressed two pending bills that could impact SACPA implementation. SB 223 (Burton) would provide resources for drug testing and SB 537 (Vasconcellos) addresses the licensing or certification of counselors. Deputy Director Fran Burton, of the ADP Office of Legislative and Public Affairs, provided an update on the status of these two bills.

SB 223 was scheduled in the Senate on September 6 and then on to the Governor. The legislation would also make an exception for Veterans Administration (VA) facilities from being licensed or certified by ADP in order to serve SACPA clients eligible for VA services.

SB 537 would provide funds for an occupational study by the Department of Consumer Affairs (DCA). It would require ADP to do a review of treatment requirements. This information would be shared as part of the objective study of the occupation by DCA. The bill was to be heard in the Appropriations Committee on September 6.

PROGRAM UPDATE

ADP Deputy Director Del Sayles-Owen provided the current status of SACPA program elements:

- Native American Collaboration Issues
 - The recommendation of the Statewide Advisory Group was to take the issues to the ADP Native American Constituency Committee. While that meeting has not yet occurred, the topic of Native American collaboration issues was introduced to the ADP Director's Advisory Council.
 - In response to the Advisory Group's discussion around the need for improved communications between county governments and Native American Tribal Councils, links have been established from the ADP website to the California Tribal Directory, the California Area Indian Health Services, and to the Bureau of Indian Affairs.
 - With regard to a July Advisory Group request, ADP legal staff has begun a review of the interface between Public Law 280 and SACPA .

It is a complicated issue and further information will be reported back to the Statewide Advisory Group.

- Technical Assistance to Counties
 - ADP is exploring the creation of interdisciplinary staff teams to provide technical assistance.
- Youthful Offender Initiative
 - Information was distributed regarding a \$79 million joint project of the Departments of Justice, Labor, and Health and Human Services, which will fund development and implementation of re-entry and related programs for young offenders, ages 14 to 35. The program is designed to enhance community safety and address substance abuse issues and mental health needs.
- SACPA and the Deferred Entry of Judgement Program
 - Copies of All County Lead Agency (ACLA) Letter Number 01-11 regarding the deferred entry of judgement program and the opinion of the Attorney General's Office regarding the impact of SACPA on that program were distributed as an information item. The opinion concluded that SACPA does not repeal the deferred entry of judgement program (PC 1000) for narcotics and drug abuse cases.
- SB 223
 - This urgency bill permits ADP to implement it through an ACLA letter. As a condition of receiving SB 223 funds, counties will have to amend County Plans which will require a new local planning process. ADP plans to use the SACPA funding methodology for all parts of the drug testing funding.
- Regulations
 - ADP is currently in the public comment phase of the regulation adoption process. The comment period is from August 31 to October 15, 2001. The regulations are posted on the ADP website. There is one change in the regulations to the emergency regulations adopted in April. That change would broaden the classification of family counseling providers.
 - A discussion of potential issues that may arise with regard to the regulations focussed on the adequacy of collaboration at the local level. ADP reported receiving input on the need for counties to follow requirements of the Brown Act for meetings of the local advisory groups. ADP noted that, judging from the county plans submitted, an unevenness in county processes can be seen. It was felt that ADP has the ability by regulation to require demonstration of collaboration,

and there may be potential opportunity for counties to address the issue when they resubmit plans under SB 223.

The Statewide Advisory Group recommended that:

(1) ADP send a letter to all county lead agencies regarding the need for full representation on advisory groups and continuous input. The letter should encourage counties to hold open meetings and reach out to all impacted groups. It should also include direction regarding the Brown Act and be released quickly after review by the County Alcohol and Drug Program Administrators Association of California (CADPAAC).

(2) ADP develop regulations consistent with the letter.

➤ Allocation Methodology

- The group discussed whether the Advisory Group should undertake a more in-depth review of the current allocation methodology and agreed that it is too soon to begin such a review. The group agreed that after a year of monitoring the process, ADP should bring the information back for a review. Concern was expressed that for effective planning, the counties should have as much advance notice as possible if there are changes made to the methodology.

PAROLEE PROTOCOLS

Joe Ossmann from the Board of Prison Terms (BPT) and Craig Toni from the Department of Corrections (CDC) discussed the process for SACPA treatment of parolees. There are two processes through which parolees may become eligible for SACPA services -- parole revocation and court sentencing.

Craig Toni presented the CDC Parole Division Protocols. The procedure follows SACPA initiative requirements and the requirement of the Parole Division to protect public safety. Joe Ossmann distributed BPT Operational Guidelines for SACPA. BPT invited comment on the guidelines which are also proposed/ draft regulations. To a large extent, they parallel SACPA language.

Mr. Ossmann reported that there have been 430 SACPA-eligible cases through parole revocation. Of that number, 117 have been returned as inappropriate for SACPA; 313 are now in process; and 115 have entered SACPA treatment in the community. The second type of process through which a parolee may be SACPA-eligible is through charges in court. BPT may drop the parole hold so that the court can place the parolee in SACPA treatment in lieu of BPT adjudication. To date:

- 8 counties have requested this process
- 156 cases have been heard in courts

- 67 requests have been approved
- 37 were denied
- 51 are pending

A discussion of the Operational Guidelines and the information presented by CDC followed.

Michael Brady from Senator John Burton's office, announced that there would be a meeting of CDC, BPT, Youth and Adult Corrections Agency, legislative representatives, and the Lindesmith Center on September 11. The purpose of the meeting will be to discuss the proposed guidelines. Ninety days later, the final regulations will be in effect.

SUBCOMMITTEE UPDATES

CONFIDENTIALITY SUBCOMMITTEE

Subcommittee member Gary Windom presented the report and recommendations of the Confidentiality Subcommittee.

Recommendations receiving Statewide Advisory Group concurrence were:

- (1) There needs to be some agreement between the courts, probation/parole, and treatment providers around what level of disclosure or information sharing is necessary under SACPA and how much information needs to move around the system to effectively manage clients and monitor progress.**
- (2) Regarding the rules of confidentiality, there is training available on exploring the various vehicles for release of information, consent forms versus court orders. Recommend development of a model Memorandum of Understanding for use by counties to facilitate exchange of information.**
- (3) After discussion regarding the compulsory release issues and consequences to the SACPA-eligible client who refuses to sign a release form, the Statewide Advisory Group modified the Subcommittee recommendation. Counties should be encouraged to engage in a dialogue with the SACPA partners to come to agreement on what information is important to disclose for purposes of determining client progress and compliance with terms of probation/parole, using an agreed-upon Consent Form.**

Since there is a committee of the Administrative Office of the Courts (AOC) currently dealing with this issue, the recommendation should be forwarded to them for review and consideration at their next scheduled meeting. Input will then go back to the Confidentiality Subcommittee and the Statewide Advisory Group.

(4) Regarding whether the District Attorney can use drug test results to prosecute a probation violation or new offense, there is a need for education regarding the chronic nature of addiction and relapse, and the use of drug testing as a treatment tool.

CAPACITY BUILDING SUBCOMMITTEE

Judge Stephen Manley presented the report and recommendations from the Capacity Building Subcommittee.

Recommendations receiving Statewide Advisory Group Concurrence were:

(1) ADP should develop special training, technical assistance, and resources to identify and address dual diagnosis clients. It should be identified in the County Plans. The California Dual Diagnosis Task Force should be used as a resource. Consider providing services for dual diagnosis clients on a regional rather than county basis.

(2) Arrange for the Veterans Administration to make a presentation to the Statewide Advisory Group and establish a collaborative to maximize SACPA services to qualified veterans.

(3) Include Health Maintenance Organizations in implementation planning, initiating discussions with Kaiser since it is the largest. The desired outcome would be to view HMOs as a viable treatment option for SACPA clients.

In addition, ADP Licensing and Certification Division Deputy Director Rebecca Lira reported on a decrease in the number of licensing requests. She also stated that ADP has approved use of SACPA funds for out-of-state treatment when required. ADP will certify these facilities.

CROSS-JURISDICTIONAL SUBCOMMITTEE

Judge Manley also presented the report and recommendations from the Cross-Jurisdictional Subcommittee.

Recommendations receiving Statewide Advisory Group Concurrence were:

(1) ADP should finalize and distribute the draft All County Lead Agency Letter regarding “Substance Abuse and Crime Prevention Act of 2000 (SACPA) -- Guidelines for Handling Convictions Outside the County of Residence.”

(2) ADP should work with the Bureau of Prison Terms and the Department of Corrections (CDC) to acquire and distribute to counties the list of local assessment contacts.

MENTAL HEALTH BLOCK GRANT -- DUAL DIAGNOSIS

Mel Voyles, California Department of Mental Health, reported on the Mental Health Block Grant for 2000-01 fiscal year. The funds:

- are targeted for those with severe mental health impairment or disturbances.
- do not provide for in-patient services.
- are provided primarily to 55 county mental health agencies on the SAMHSA allocation model.
- provide \$8 million for dual diagnosis. While not specifically for SACPA clients, these funds could be used for SACPA clients with dual diagnosis.

Mr. Voyles reported that nothing would prevent regional Dual Diagnosis centers from being supported by the grant. However, there are currently no regional programs. He reported that conditions such as bipolar, schizophrenia, and most other severe functional disorders qualify as "severe mental health impairment." He estimated that about half of severe mental illness clients also have substance abuse issues. While he stated the need for an integrated approach, he agreed that the \$8 million available would not go far enough or be available to most SACPA clients. The work of the Dual Diagnosis Task Force was discussed. This has been a three-year, joint effort by the Department of Mental Health and ADP. It will meet again on October 1.

A report from the meeting of the Dual Diagnosis Task Force will be presented to the next Statewide Advisory Group meeting. Additionally, a regional approach to Dual Diagnosis treatment will be explored by Kathryn Jett and Department of Mental Health Director Dr. Stephen Mayberg.

EVALUATION UPDATE

Dr. Richard Rawson of UCLA did a presentation on the Science of Addiction. Key points of the presentation were:

- There is a good science basis that supports the efficacy of treatment.
- Drug abuse and addiction are among the most serious and costly concerns in the country.
- Addiction is a very complex disorder.
- A critical question is "Why do individuals take drugs in the first place?"
 - To feel good (sensation seeking)
 - To feel better (self-medication)
- Why do some people become addicted and some do not?
 - Genetics and environment
- Addiction rewires the brain -- changes are long lasting to permanent.
- Addiction is fundamentally a brain disease, but it occurs in the context of social behavior.
- A clinical understanding of the effects of abuse is critical to developing treatment plans.

Dr. Douglas Longshore discussed the SACPA evaluation process that UCLA is doing. He shared an Outcome Analysis Plan and described the work of the Evaluation Data Subcommittee (EDS) which is made up of representatives of the Statewide Advisory Group and the SACPA Evaluation Advisory Group.

Handouts were distributed describing the “Analytic Scheme for Evaluation of SACPA Implementation, Impact, Cost, and Outcomes,” and “Proposed Core Data for SACPA Evaluation.” The documents addressed the major research questions, along with the caseload and system sectors involved. A broad proposed list of core data was described.

The presentation on CalTOPS was postponed until the next Statewide Advisory Group meeting due to time constraints.

OTHER

- Statewide Advisory Group member Toni Moore presented a report on the implementation of SACPA in Sacramento County, providing information gathered for June and July 2001. Included were caseload analysis and preliminary statistics.
- ADP Deputy Director Del Sayles-Owen provided an Executive Summary of County Plans, noting their 71,000 projected referrals, of which 10% will be parolees and 90% will be court referrals. She indicated the full report would be issued shortly.

NEXT MEETING: FRIDAY, OCTOBER 5, 2001