

Substance Abuse and Crime Prevention Act of 2000 (SACPA)
STATEWIDE ADVISORY GROUP
October 27, 2005

WELCOME AND DIRECTOR'S REPORT

Director Kathryn P. Jett, of the Department of Alcohol and Drug Programs (ADP) welcomed the members and guests to the Statewide Advisory Group meeting and welcomed them to the Making-It-Work 2006 Conference.

Director Jett introduced Millicent Gomes, the new Deputy Director for the Office of Criminal Justice Collaboration (OCJC). Director Jett mentioned that their paths had crossed in their work with other programs. Director Jett stated that Ms. Gomes was previously an attorney and was appointed Chief of Mentally Ill Offenders Program with the Department of Corrections. She stated that ADP is excited to have her as the new Deputy Director of OCJC. She comes to ADP with a lot of accomplishments and we look forward to her assistance with OCJC.

Ms. Gomes replied that she is happy to be at ADP and she looks forward to working with everyone.

Director Jett stated she believes this has been one of the more engaging conferences. The counties are meeting to work on county specific issues. We are also focusing on best practices. Proposition 36 has been around long enough that this conference represents a good opportunity to discuss what is working and what is not. We have already learned that placing probation and treatment assessment staff at the same location and near courts, allowing walk-in assessment, and requiring same day assessment all work. We are at the point of spotlighting practices that work well. Director Jett stated that later there would be a presentation on sober living that focuses on best practices and outpatient as best practices. She mentioned the state mandate that all counselors become certified and that Sacramento County is providing scholarships for counselor certification.

Director Jett reiterated the previous day's comments on the reauthorization of Proposition 36. She stated that in the next year improvements will need to be discussed and the legislature will look at all programs and their viability.

Director Jett commented that there would be decisions made about Proposition 36 very soon. In the meantime, we need to move forward in improving outcomes and accountability for Proposition 36 clients. She stated that treatment works for those who complete their treatment program, but not enough people are successfully completing treatment. And that participation and completion rates need to increase. Director Jett stated that we will strive to improve the overall effectiveness of Proposition 36. We will continue to work with the Legislature and stakeholders to consider options that meet the goals of providing treatment while increasing accountability.

Director Jett stated that the next report from the University of California at Los Angeles (UCLA) will focus on the cost benefit of Proposition 36.

Director Jett reported she had an interview with the Sacramento Bee. The interview concerned Proposition 36 and how it has changed the alcohol and drug treatment field. She spoke about the excellent collaboration between the counties, treatment providers and law enforcement. She stated that Proposition 36 has enjoyed a great deal of support.

Director Jett stated that when participating on the Co-Occurring Joint Action Council (COJAC) issues such as the funding source that is connected to Proposition 63 needs to be brought to the table.

Director Jett mentioned that the Substance Abuse Research Consortium Meeting (SARC) was held in Sacramento on September 13-14, 2005. The agenda was supplied in the packets and Dr. Larry Carr will be available to assist you should there be a need for more information.

LEGISLATIVE UPDATE

Sherri Gauger, Deputy Director, Legislative and Public Affairs, Department of Alcohol and Drug programs reported on the following Senate and Assembly bills:

- Assembly Bill 417(Agazarian) – Vetoed. This bill proposed to modify the definition of beer to include sweet malt beverages. It would have made these drinks taxed at beer rate rather than the higher other alcohol rate. There is a concern that this bill would lead to an increase in underage drinking.
- Assembly Bill 547 (Berg) – Chapter 692, Statutes of 2005 – Effective January 1, 2006. Clean Needle and Syringe Exchange Project. This bill authorizes cities and counties to have a clean needle and syringe exchange program that, in consultation with the State Department of Health and Human Services, authorizes the exchange, as recommended by the United States Secretary of Health and Human Services and as part of a network of comprehensive services. It eliminates the requirement of current law that local government annually declare a state of emergency to qualify for exchange programs.
- Assembly Bill 855 (Bass) – Vetoed. CalWORK's. This bill provides that, with certain exceptions, a person convicted of drug-related felonies shall be eligible to receive Cal Work's benefits if he or she meets certain conditions of eligibility. It retains the existing law requirement that a county issue vouchers or vendor payments for at least rent and utility payments for a family receiving aid that includes an ineligible individual.
- Assembly Bill 1349 (Goldberg) – Chapter 616 Statutes of 2005 – Effective October 6, 2006. Narcotic Treatment Programs. This bill provides for charging indigent opiate addicts reduced fees (sliding scale) for treatment services if the addict lacks income verification; and is ineligible for Drug Medi-Cal (DMC). This will enable the published charge to be considered "the usual and customary charge" to the general public which will help providers comply with federal regulations.
- Assembly Bill 1353 (Liu) – Chapter 164 Statutes of 2005 – Effective January 1, 2006. This bill allows public programs that receive state general fund money to be allowed for needle replacement for HIV prevention.

- Assembly Bill 1597 (Laird) – Vetoed. Drug Paraphernalia. This bill authorizes a public entity that receives General Fund money from the Department of Health and Human Services for HIV prevention and education to use that money to support clean needle and syringe exchange projects authorized by the public entity. This bill authorizes the money to be used for the purchase of sterile hypodermic needles and syringes. It requires the use of the money to be based on local epidemiological statistics as to the incidence of HIV transmission through injection drug use.
- Senate Bill 115 (Florez) – Chapter 451 Statutes of 2005 – Effective January 1, 2006. Disabled Veteran Business Enterprise Program. This bill specifies that the Department of General Services is the administering agency of the Disabled Veteran Business Enterprise Program except in the cases of contracts for professional bond services. It specifies the duties of the Department of General Services in meeting that requirement. It sets standards for meeting the program’s participation goals. It requires the small business advocate to provide services to certified small businesses and certified disabled veteran business enterprises.
- Senate Bill 573 (Romero) – Vetoed. Disability Insurance: Intoxication. This bill amends existing law that permits a disability insurance policy to contain a provision indicating that the insurer is not liable for any loss caused by the insured being intoxicated or under the influence of any controlled substance unless administered on the advice of a physician. It exempts a health insurance policy from the above policy provision.

<p>PROGRAM UPDATES FROM STATEWIDE ADVISORY GROUP MEMBERS</p>

Reauthorization/Legislation

A member reminded everyone that the proponents of Proposition 36 remain opposed to jail sanctions and are prepared to file a law suit if legislation is passed containing jail sanctions. The member stated it was unnecessary to spend meeting time discussing what the proponents feel is unconstitutional legislation.

Another member stated that the Department of Correction and Rehabilitation’s main concern is the continuation of funding. The member stated that the lack of resources would make it very difficult to comply with Proposition 36, since it is mandated that parolees be placed in treatment. The member mentioned the overcrowding in the jails that is related to new offenders, rather than violation of parole. The member stated that he will no longer be the Proposition 36 representative at the Statewide Advisory Group meetings. He is continuing in the Parole Division, but has been promoted and the new Proposition 36 representative will be reporting to him. The member was glad to hear about the use of sober living in combination with outpatient. He commented that parole has used that combination for a number of years and it can be a successful environment.

Director Jett commented that the member will be missed as the Proposition 36 representative, commending his tremendous contribution to the Statewide Advisory Group.

Another member stated that funding will be problem if it is not available at the beginning of the fiscal year. The member stated that the County Alcohol and Drug Program Administrators Association of California (CADPAAC) is involved in the reauthorization of Proposition 36 and they are optimistic that the reauthorization will occur. The member stated that CADPAAC conducted a survey to determine how many counties were engaged in contingency planning. The purpose of the survey was to discern service level need expenditures from program funding levels. It is evident by the survey responses that the current funding level is not adequate to meet the program needs. The overwhelming response from counties was the need to increase funding for residential treatment and sober living environments. Four out of five counties stated that if funding was not in place by July 1, 2006 their Boards of Supervisors would not approve their county plans. The member reported that the majority of CADPAAC counties are collectively spending \$130M. About half of the counties plan to reduce services if funding is not indicated in the Governor's budget. The member noted that if \$120M is not reauthorized, the counties are concerned as to how treatment services can continue to be provided.

Another member stated their county's concern for the reauthorization of Proposition 36. The member also noted that clients with co-occurring disorders are not doing well and there is also an increase in parolees not doing well. The county is looking into these issues.

A member commented that Senate Bill 803 may not be perfect, but if it does not pass the progress made to date may vanish. The member stated the only way to find out if the provisions of Senate Bill 803 are constitutional is for the bill to be decided by the courts. The member believes there are other areas where improvements can be made without legislation, i.e., focusing on the underserved populations and what can be achieved. The member stated that currently there are no measures to define desired outcomes. The member commented that there is no measurement or criteria for providing narcotic replacement therapy and believes it is up to the Statewide Advisory Group to set those standards. The member also believes that a consensus needs to be reached on what is an acceptable recovery rate and that the advisory group should set the benchmark for an acceptable recovery rate. If the rate is not met, then a county would create a plan to meet the acceptable recovery rate.

Miscellaneous

A member stated the California Opium Maintenance Providers are very frustrated with the lack of available Narcotic Replacement Therapy (NRT). The member reported that about 25 counties are not licensed for NRT. Several large counties have programs that do not include NRT availability for Proposition 36 clients, but have providers that can offer NRT. The member would like to see ADP take more of a lead on this issue and reject county plans if the county does not include NRT. The member would also like to see data that shows heroin addicts can do as well in treatment as other drug addicted participants.

Another member reported a concern that people are receiving treatment that is affordable and not at the level of need assessed. There is also a concern about treatment continuing to be received even if there is no money. The member reported that the California Association of Addiction Recovery Resources (CAARR) continues to work on treatment funding and

additional future funding. The member stated that the requirement for counselor certification has been pushed forward by Proposition 36. The member reported that many counties have sober living facilities, some are very good and some are very poorly run. The member stated that CAARR is continuing to work with the state to bring accountability to these programs.

A member stated that there are four participant groups reported in the 2004 UCLA SACPA Evaluation Report that show inadequate treatment opportunities and or outcomes. Those groups include heroin addicts; Native Americans; African Americans; and Latino participants. The member stated that outcomes could immediately be improved by 40% if heroin addicts received methadone treatment. The member reported that the mean treatment completion rate is 35%, while the median is 38% completion rate. The member advocates that a more serious approach is taken in using data to move forward. The member had county by county treatment data that showed a large disparity between counties and stated that the Statewide Advisory Group membership should use the comparison data to identify successes and make decisions on how to move forward.

A member pointed out that CADPAAC is dealing with many new administrators. There is no protocol in place to transfer the knowledge of the exiting administrators, thereby creating a loss of knowledge and impact on CADPAAC in training the new administrators.

A member reported that housing is very much needed and important in improving the quality of life for clients. The member also reported the increase in the younger population coming into treatment and experiencing an increase in overdose in those over forty years of age.

Another member reported that the mentally ill clients are not being provided alcohol and drug services. There is a reluctance of The Department of Mental Health to step forward and collaborate to address recovery needs of those with co-occurring disorders.

A member stated that The Co-Occurring Joint Action Council (COJAC) is a great opportunity to collaborate and would like to see more of a partnership between Proposition 36 and Proposition 63. The member stated that there was a \$180M Medicaid waiver being considered which may be another opportunity for leveraging funding. The member believes there should also be a benefit for substance abuse for the youth population within Proposition 63 funding. The member stated that the Statewide Advisory Group must constantly address product improvement and performance.

Another member reported that Sacramento County was involved in the Proposition 36 Treatment Systems Impact (TSI) Project conducted by the University of California at Los Angeles Integrated Substance Abuse Programs. The member reported that one-fifth of the counties in the TSI study could do better in providing employment training for Proposition 36 clients. The member stated that if people have jobs, they have a better chance of success.

UNMET NEEDS SURVEY PRESENTATION

Mr. Thomas Renfree of Strategic Local Government Services, LLC, reported that the County Alcohol and Drug Program Administrators Association of California (CADPAAC) conducted a survey in September 2004. CADPAAC received responses from fifty-seven counties. The

purpose of the survey was to discern what service needs were unmet at the current funding level. Counties were also asked where they would spend money if funds were increased. Responses indicated counties would increase spending for residential treatment and sober living. The county survey indicated the need for additional funding. A follow-up survey was conducted in March 2005. The counties were asked to take into account probation costs. Of the forty-eight counties responded, thirty-five counties anticipated expenditures would be more than their Proposition 36 allocation.

A member commented that they thought the estimate would have been higher for ancillary services, closer to \$9M plus.

Mr. Renfree believes that several counties gave best guess estimates. He agreed with the member that the counties felt they had already answered the question in the sober living section of the survey, so they probably did not include the figures again in the last question.

RECOVERY AND REDISTRIBUTION OF EXCESS FUNDS

Gino Giannavola, Chair of the fiscal committee for CADPAAC, presented CADPAAC's position on the issue of recovery and redistribution of excess funds which was addressed during the CADPAAC full association meeting. The committee wants to make sure to point out that the \$10M (estimated amount of unspent SACPA funds at the end of Fiscal Year 2005/2006) represents roughly one-month of expenses, less one-percent of the total allocation. Since most of the counties were spending their allocation plus the start up dollars, it was not felt that changing the allocation formula would accomplish the desired result. CADPAAC's position was stated in the following handout to the membership:

Motion: That CADPAAC support the development of regulations to recapture and redistribute obligated unspent SACPA funds using the following methodology:

- Counties may retain up to 20% of their annual allocation
- Funds in excess of 20% will be deducted from the following year's allocation
- The total recaptured funds will be redistributed to counties with less than 10% unspent funds
- The annual SACPA methodology will be used for redistribution of unspent funds, but will not include the adjustment for MBA counties or the standard deviation
- The above process will occur on an annual basis
- The dollar amounts will be based on the counties' annual SACPA financial statement due on September 30th of each year

A member stated that they believe the allocation a county receives each year should be in the CADPAAC motion.

Director Jett stated that ADP would like more time to review the issue of unspent SACPA funds and the department would need a recommendation to move the issue forward to the Fiscal Advisory Committee. She also stated that as the amount of the excess funds decreases it

becomes less of an issue. This fact demonstrates one of our assumptions that this money will get spent.

A member moved to make a motion that the recommendation be forwarded to the Fiscal Advisory Committee. The motion was first and seconded with one member abstaining.

NEXT STEPS

Members suggested the following agenda items for the next meeting:

- County by county comparison
- What is happening with Opiate treatment
- Accessing Proposition 63 funding
- Create a workgroup to look at making changes to the county plan approval process
- Research any correlation between the use of narcotic replacement therapy and county success rates
- Data on success rates on the underserved populations
- Create workgroups to assure the Statewide Advisory Group retains its original mandate and purpose
- Address how anecdotal data can be used in policy decisions

The next meeting is schedule for February 3, 2006 from 8:30 AM to 3:00 PM at the Department of Alcohol and Drug Programs.