

**Idaho Statewide Drug Court and Mental Health Court
Coordinating Committee**

Thursday, November 15, 2012

8:30 a.m. – 3:00 p.m.

Idaho Supreme Court

Lincoln Room

Boise, Idaho

MINUTES

<p><u>Members Present</u> Justice Daniel Eismann, Chair Hon. Ron Wilper, Vice Chair Matt English Dennis Hardziej Linda Wright Hon. Richard Bevan Mark Mimura Hon. George Southworth Roger Bourne Hon. Mike Reardon Maureen Burton Hon. Darren B. Simpson Burt Butler Roger Christensen Lisa Martin Debra Alsaker-Burke Kerry Hong Linda Wright</p>	<p>Jared Bingham Martha Tanner John Tanner Patti Tobias Hon. John Stegner Brent Reinke Norma Jaeger Darren Simpson Ross Edmunds</p> <p><u>(Pending) Members Present</u> Hon. John Varin Hon. Bradly S. Ford Marilyn Kesner Ron Christian Erik Letinen (for Sarah Thomas) E. Clayne Tyler</p>
<p><u>Staff Present</u> Scott Ronan Rob Owens Ryan Porter Jim Arnold Roland Gammill</p>	<p><u>Guests Present</u> Shane Evans Henry Atencio Sharon Burke</p>

Next Meeting: Friday April 12, 2013

The meeting was convened at 8:30 a.m. by Justice Daniel Eismann, Chairman, and members, staff and guests present at the meeting introduced themselves.

Rob Owens, Research and Evaluation Specialist and Ryan Porter, Behavioral Health Specialist, new employees were introduced.

Approval of Minutes of the May 10, 2012 and September 11, 2012 Meetings

The Minutes of the meetings on May 10, 2012 and September 11, 2012 were approved.

Operational Tune-up Training

Norma Jaeger reported on the recently held Operational Tune-up training. This training brought together seven adult drug court or DUI court teams, including Shoshone County, Nez Perce County, Gem County, Elmore County, Twin Falls County, Bannock County and Bingham County. National faculty members were provided through the National Drug Court Institute (NDCI) and Norma Jaeger presented the Statewide Standards and Guidelines. Teams had time each day to develop an action plan for court improvement. This training will be offered again through NDCI in the 7th Judicial District in the spring and will then be provided to adult drug court and DUI court teams in each district in calendar year 2013.

Sequential Intercept Mapping Workshop – Ada County

Norma Jaeger reported on a recent workshop held in Ada County, with support from the GAINS Center, a federally funded technical assistance center devoted to justice involved persons with co-occurring mental and substance use disorders. The workshop consisted of a system mapping process to identify existing services and resources for the mentally ill who are involved with the justice system and to identify gaps and priorities of system needs. The draft report from the workshop can be found in the meeting materials beginning on page 141. Such a workshop can be requested for other communities in the state by contacting the Statewide Drug Court and Mental Health Court Coordinator.

FY 2013 Budget Recommendations & Utilization Update

Kerry Hong reported on the recommendation from the Court's Administrative Conference to the Coordinating Committee on the proposed 5% substance use disorder provider rate increase. The Administrative Conference recommendation, based upon further research on provider rates, was to go forward with the rate increase effective January 1, 2013 for individual counseling and assessment services as well as for the recovery support services, other than those that are group services. It is projected that available funds can cover this increase without reducing any capacity in the courts.

Judge Stegner moved and Roger Christensen seconded that a targeted 5% provider rate increase for individual counseling, family counseling and assessment services, as well as recovery support services, other than group services, be approved, effective January 1, 2013, contingent upon available funds. Motion carried.

Kerry Hong reported on an agreement between problem-solving courts and the Department of Health and Welfare resulting in an allocation of \$267,000 for treatment for participants in misdemeanor drug and DUI courts for FY2012. These funds will be made available for treatment, subject to the current procedures for service authorization and approval of continuing

treatment by Business Psychology Associates (BPA). The Committee requests a report in January as to the planned allocation of these funds among courts.

Kerry Hong reported on efforts of the current Hay Associates classification and compensation study of all court personnel, including problem-solving court coordinators. This study will provide a means for establishing clearer job expectations for coordinators and likely will recognize multiple levels within coordinator positions and establish appropriate compensation levels.

Judge Stegner moved and Judge Reardon seconded that a workgroup be appointed by the Coordinating Committee to analyze and make recommendations about problem-solving court coordination including job duties and compensation as well as statewide unmet coordination needs. Motion carried.

The committee affirmed volunteers Lisa Martin, Jared Bingham, Marreen Burton, Debra Alsaker-Burke, Matt English and Burt Butler to this workgroup.

Scott Ronan reported on the availability of \$300,000 in treatment funds resulting from a two month “up-front” payment for treatment to the two pilot project sites that receive treatment funds on a contracted monthly rate. This payment was made with FY2012 funds, leaving this amount in FY2013 funds unallocated. Scott identified that we have received requests for funding for residential treatment for adolescents. The Coordinating Committee has previously raised the issue that the current slot rate may not be adequate for adolescent treatment. In addition, requests have been received for residential treatment for clients in mental health courts and we have been advised that DHW may not have sufficient treatment funds for the treatment of parents in the child protection drug courts. Scott recommended that the unallocated \$300,000 be used to provide a statewide pool of funds to meet needs for residential treatment for adolescents and mental health court participants, approved on a case by case basis by the Statewide Coordinator, and for parents in child protection drug courts, if the DHW cannot fund this treatment. Committee members further recommended that participants in adult drug courts also be eligible on a case by case basis for residential treatment.

Sharon Harrigfeld suggested that if the general slot rate allocation to each District is not adequate to cover residential treatment that the IDJC procedure of using a state level fund to match district level funds for residential treatment could be used.

Debra Alsaker-Burke moved and Linda Wright seconded with amendment by Burt Butler, seconded by Judge Southworth that unallocated or underexpended treatment funds be used, on a one-time basis, for residential treatment for adolescents, mental health court participants and adult drug court participants, as well as for participants in child protection drug courts. Motion carried.

Patti Tobias recommended that there be communication to all the courts and the committee on the availability of residential treatment and the procedures and criteria for requesting residential treatment through the Statewide Coordinator or designee.

Scott Ronan and Roland Gammill reported that the Court's FY2014 budget request to the Legislature included a request for additional spending authority for existing dedicated funds of \$150,000 for coordination, including coordination of the two child protection drug courts, previously funded through grants, plus another \$174,000 to continue providing an additional \$150 per allocated slot to augment drug testing capability beyond the previously approved \$250 per-slot rate. In addition, the Court included a request for an increase in the Substance Abuse Treatment fund of \$275,900 to expand or enhance problem-solving court treatment and to fund a 5% provider rate increase without reducing the available treatment slots.

Burt Butler moved and Linda Wright seconded that previously (spring coordinating committee) identified hardship funds be approved to continue the Young Adult Court and Juvenile Mental Health and Drug Court Coordinator position in District 7, which has been covered through a grant that is expiring in March, 2013, in an amount of \$14,200. Motion carried.

Evaluation Update

Rob Owens provided an overview of plans for evaluation of problem-solving courts.

- Replicate and expand the 2008 Adult Drug Court Outcome Evaluation
- Develop a more robust process evaluation process for problem-solving courts
- Develop and implement a system for ongoing individual court improvement
- Enhance the capacity within problem-solving courts for quality evaluation, effective use of evaluation findings and
- Develop competence of problem-solving court consumers of evaluation information

Lisa Martin requested development of a standardized tool for obtaining the feedback of problem-solving court participants as is required twice a year by the Statewide Standards.

Sharon Harrigfeld recommended that Rob contact Monty Prow at IDJC to discuss the work he has done in researching developing survey instruments used in their department.

New Court Update

District 7 Young Adult Court - Burt Butler reported on the progress of the Young Adult Court in District 7. The court was designed to improve the outcomes of this particularly challenging target population. Based on recommendations of Randy Muck, a consultant who was previously involved in a great deal of youth research with the Center for Substance Abuse Treatment, the court adopted the 7 Challenges treatment model.

Judge Southworth moved and Lisa Martin seconded approval of the Operations Application of the District 7 Young Adult Court. Motion carried.

Canyon County Juvenile Drug Court - Elda Catalano reported on the progress of development of the Canyon County Juvenile Drug Court. One of their major challenges has been obtaining cooperation of parents to participate. They have particularly recognized the need for a very cohesive and consensus building team to avoid being split by the juveniles and families. Martha Tanner recommended involving NAMI in supporting families and providing family education.

Judge Southworth moved and Judge Ford seconded that the Operations Application of the Canyon County Juvenile Drug Court be approved. Motion carried.

Cassia County DUI Court - Linda Wright presented a Letter of Intent for the Cassia County DUI Court. This court would actually serve individuals in both Cassia and Minidoka Counties. The 5th District will cover drug testing with current funds. The County probation office and commissioners are in support.

Burt Butler moved and Judge Bevan seconded that the Letter of Intent to plan a Cassia County DUI Court be approved. Motion carried.

Norma Jaeger reported that a recent analysis of problem-solving court utilization identified that 17.4% of drug court and 16% of mental health court participants were admitted based on a DUI charge.

Ada County DUI Court - Marreen Burton reported on the progress of the Ada County DUI Court. The court will deal only with misdemeanor cases. They project a January 1, 2013 start date and currently expect a funded treatment funded of nine participants. They will need to complete an Operations Application prior to start up. It is recognized that additional resources will be necessary to really meet the need in Ada County.

Latah County Mental Health Court - The court serves both misdemeanor and felony cases. All team members have problem-solving court experience. Both DHW Mental Health and IDOC have been great partners. The court will add WRAP (Wellness Recovery Action Planning) groups. The court currently has reached five participants. This will enable groups in Moscow rather than continuing to transport participants to Lewiston for groups.

Bannock County Veteran's Court - The court initially started with seven slots and are now full with three waiting to get in. Mentoring is critical to the Veteran's Court and best provided by someone with service in the same service branch. The local community support has been great. No females have applied so far. The treatment is primarily provided by the VA through Salt Lake City. They have provided transportation and the Veteran's Justice Outreach Worker has visited twice a month from Salt Lake.

HIV and Hepatitis C Testing in Problem-solving Courts

Bebe Thompson from DHW Health Division provided information on prevalence and risks associated with both HIV and Hepatitis C and explained how persons with either of these infections who are undiagnosed present a greater risk of passing that infection on to others compared even to those who have been diagnosed but who are not being treated. Martha Tanner commented on the importance of testing, based on her long career as a physician. Bebe provided information on available low-cost or free testing resources as well as resources for affordable treatment and medication.

Marreen Burton moved and Judge Wilper seconded that the Statewide Standards and Guidelines for each of the problem-solving courts incorporate testing for HIV and

Hepatitis C as part of their program, contingent upon available resources and that training for teams should include information on the specific risks for HIV and Hepatitis C, information on testing, referral information and information on treatment services.
Motion carried.

Department of Health and Welfare Update

Ross Edmunds reported that DHW reaffirms that they are responsible for necessary treatment for participants in mental health courts. There are DHW SUD funds available to augment the treatment that ACT teams can provide. Ross reported on planning underway for the Department's Regional Mental Health programs to assure the necessary treatment including substance use disorder treatment for mental health court participants. The plan includes addition of substance use disorder treatment providers to regional programs through staff or contractors (will be embedded in the DHW office in Region III and IV as a pilot). Scott Ronan reported that the court is currently projecting \$300,000 will be needed for treatment in FY2013 for this population.

Ross also reported on funds appropriated to the DHW with direction to allocate \$700,000 for treatment for misdemeanor offenders. The Department has agreed to allocate \$267,000 for problem-solving court participants and \$433,000 to individuals in domestic violence courts or other DV cases. They expect these funds to average \$2,300 per client.

Ross updated the committee on the move of Medicaid behavioral health services to managed care. The RFP to select a managed care company will close in early December. There is a section in the RFP asking bidder how they would deal with problem-solving courts. Ross also reported on the potential expansion of Medicaid under the Affordable Care Act. The Governor appointed a workgroup to determine whether it is Idaho's best interest to expand Medicaid to "adults without children". This workgroup has recommended to the Governor that Medicaid be expanded in Idaho. Brent Reinke (who served on that workgroup) reported that this would add from 99,000 to 112,000 persons to the Medicaid eligible rolls. The Legislature will ultimately decide the issue.

Idaho Department of Juvenile Corrections Update

Sharon Harrigfeld reported that the Department's highest priority remains to maintain the safety and security of youth and staff. To this end, their highest priority in the coming legislative session will be the addition of 14 FTE at St. Anthony. Sharon Burke reported that they feel very positive about the experience they have had in administering substance use disorder treatment funds through county-specific allocations and district-wide management oversight of the treatment expenditures and needs. They have also been able to enhance transportation for those in very rural communities and are starting a telehealth pilot project for Boise and Valley counties. They are also using Family Group Conferencing for youth leaving care to address reentry planning. They will complete an evaluation of youth outcomes resulting from the SUD system change. They are planning for clarifying and supporting the probation officer role under the Medicaid managed care system. Counties have been allowed to expand drug testing of more kids plus to test for spice and there will be three multi-region trainings to share lessons learned and creative approaches in facilitating substance use disorder treatment so districts can learn from each other.

Idaho Department of Correction Update

Brent Reinke reported on the status of current IDOC prison population. The department ended FY12 with 8,100 inmates. As of November 15th they have 8,030 in custody. They are now under a consent decree in the Balla case (a case about health care for in-custody inmates). Their largest facility with a population of 1,660 inmates has 50% of those inmates on psychiatric medications. Treatment rates are up from 2,700 in the first year to 3,500 presently. They issued 8,350 vouchers for treatment in that year but only 3,546 were actually redeemed. They are attempting to address this attrition rate through reducing the gap between the time of issuing the voucher and the time of entering treatment to 4-5 days. The service needs for the reentering offender population outpace the available resources. The governor is supportive of the addition of the planned secure mental health facility. There are funds to build but there is a \$20 million shortfall to operate.

Henry Atencio Director of Community Corrections reported their continuing support for problem-solving courts and expressed appreciation of the policy of requiring not only IDOC District Manager support but also Central Office support for the establishment of new courts. His Division is operating with 10 vacant Probation Officer positions due to under-collection of cost of supervision fees from offenders. There are currently 14,335 individuals under supervision. Henry reported that the department wants to encourage the use of problem-solving courts as an alternative to incarceration of probation violation cases. He stated that of the current 43 felony problem-solving courts, 39 will accept probation violation referrals. A copy of the department policy on probation violation was distributed showing problem-solving courts as an alternative for the "probation violation response matrix".

Update on Implementation of Statewide Standards and Guidelines for Adult Drug Courts and Peer Review Process

Norma Jaeger reported that Statewide Standards and Guidelines have been the subject of training events, including the recently held Operational Tune-up. In addition our former intern, Jeff Morris, developed an on-line self-paced learning module on the Standards and Guidelines. The peer review process has been continuing with additional peers having been trained.

Announcements

Norma Jaeger reported that Idaho received three grants totaling \$1,675,000 from the federal government specifically for drug court activities. Enhancement grants went to Elmore County to enhance the DUI court, Ada County to enhance drug and veteran's courts, and Bonneville County to enhance the Young Adult Court and enable it to serve felony offenders.

Ryan Porter reported on plans to authorize the use of the GAIN I Core assessment instrument. This instrument streamlines the GAIN I but provides essentially the same information for treatment planning decisions.

Norma Jaeger called the committee's attention to the Annual Report to the Legislature, required by statute, and which is contained in the meeting materials beginning on page 179.

Judge Stegner raised the issue of obtaining better training for police officers to avoid arrests that bring more mentally ill persons into the criminal justice system. John and Martha Tanner pointed out that the Crisis Intervention Team (CIT) training that has been carried out in many jurisdictions addresses this very problem. The committee would like further information on how much of the state has received such police CIT training.

Kerry Hong reported that there will be continued work to further determine the actual cost of drug testing and appropriate resources for funding. For FY2014, with legislative approval of the requested spending authority, the state will continue to augment the \$250 per slot with an additional \$150 per slot.

Justice Eismann reported that the ISTARs data and case management system has become obsolete and soon will be without system maintenance by the provider. A new system is being planned. The needs of problem-solving courts will be clearly taken into consideration in the planning. Ultimately the system will enable a nearly "paperless" system.

Norma Jaeger called the committee's attention to some informational articles at the back of the meeting materials.

Meeting adjourned at 3:45. Next meeting: (tentative) Friday April 12, 2013.

Action Items

Schedule Operational Tune-up in all districts in calendar year 2013

Report to the Coordinating Committee on proposed allocation of misdemeanor treatment funds by specific court in January 2013

Evaluate the slot rates by court type and report to the April meeting

Communicate a procedure and criteria for requesting access to residential treatment funds. Consider the use of state level funds as matching funds for district funds

Report to Coordinating Committee on the use of residential treatment funds in April

Connect Rob Owens with Monty Prow at IDJC on feedback survey instruments

Develop implementation procedure for HIV and Hep C testing procedures and resources for problem-solving courts and add to the Statewide Standards and Guidelines

Implementation of DHW provision of SUD treatment to mental health court participants to assure statewide consistency

Send out details on the December 3, 4 and 5 Trauma Trainings

Send committee members the link for the self-paced learning module on the Standards and Guidelines

Assess the status of CIT training across the state and report to the Coordinating Committee

Survey courts acceptance of probation violation referrals

Develop a standard feedback survey for problem-solving court participants