

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

**February 9, 2018
Lincoln Room
Idaho Supreme Court
Boise, Idaho**

MINUTES

Next Meeting: August 24, 2018

<p><u>Members in Attendance</u> Justice Richard Bevan, Chair Henry Atencio, Director IDOC Scott Bandy Russell Barron, Director DHW Marreen Burton Magni Hamso, MD MPH Sharon Harrigfeld, Director IDJC Hon. Steven Hippler Taunya Jones, Division Director Gabriel McCarthy Lisa Martin JoAnn Martinez Marilyn Miller Hon. Robert Naftz Richard Neu Jennifer Romero Hon. Darren Simpson Sara Thomas, Administrative Director of the Courts</p> <p><u>Members Unable to Attend</u> Hon. John Butler Commissioner Roger Christensen Senator Patti Anne Lodge Eric Olson Hon. Scott Wayman Hon. George Southworth Hon. John Stegner</p>	<p><u>Guests</u> Ross Edmunds, DHW Administrator Behavioral Health Division Liza Crook, IDJC Substance Use Disorder Manager Jared Bingham, Director D7 Substance Use Disorder Treatment Program Paul Meigio D7, Problem-solving Court District Manager David Birch, IDOC Deputy Administrator Dylan Hobson, IDOC Probation Supervisor Tyler Beck, Boise City Attorney's Office Kari Helgeson, Boise City Attorney's Office Hon. Melissa Moody, D4 Administrative District Judge Shawna Meyers, D2 Drug Court Coordinator</p> <p><u>Staff</u> Scott Ronan Ryan Porter Norma Jaeger Jim Arnold Amber Moe</p>
--	--

The meeting was convened at 9:00 a.m. by Justice Richard Bevan, Chairman, and members and guests present at the meeting introduced themselves.

Approval of Minutes of the April 14, 2017 Coordinating Committee Meeting

Judge Darren Simpson moved and Rich Neu seconded approval of the minutes of the April 14, 2017 meeting. Motion carried unanimously.

Approval of Minutes of the December 12, 2017 Executive Committee Meeting
Rich Neu moved and Sara Thomas seconded approval of the minutes of the December 12, 2017 Executive Committee meeting. Motion carried unanimously.

FY18 Budget Update and FY19 Budget & Policy Recommendations

Scott Ronan provided an update to the Committee including the FY18 expenditures and FY18 and FY19 budget and policy items. He pointed out that the Court is implementing new financial reporting formats and that what the Committee received in the meeting materials reflects the new formats. The display separates Supreme Court funds and Executive Branch agency provided funds.

He reviewed the expenditures showing the quarterly distribution to districts for drug testing. He described the management practice of funding substance use disorder treatment by a monthly flat rate, in which a monthly ceiling amount is paid for treatment, with any billing for units of service which falls below the ceiling being retained to use for residential and recovery support services.

For FY19 there is a recommendation for increasing residential and recovery support services as part of the effort to implement the Coordinating Committee priority of reaching a full continuum of treatment services.

Additional Resources for Treatment

Scott reported that the Office of Highway Safety funding of 20 additional DUI court treatment slots, with associated drug testing, and partial funding for DUI Court Coordination, is ending as of September 30, 2018. By re-prioritizing the Residential and Recovery Support Services Fund, the Court will be able to continue those treatment slots for the remainder of the year, to enable participants to complete the program. Funds are not currently identified to continue these 20 slots, currently allocated in Districts 4 and 7, for FY 2019.

The Division of Veterans Services has provided \$80,000 as one-time funding to support the work of veterans courts. These funds will be used to provide PTSD / trauma-specific treatment and family therapy for participants in the six veterans courts in the state. In addition, the Veterans Services Division has provided \$12,500 for education purposes. These funds will enable each veterans court to send one team member to the national training conference held in conjunction with the NADCP annual conference, in Houston in May, 2018. And lastly, in FY18, the Department of Health and Welfare, Division of Behavioral Health provides \$482,472 in treatment funds that are jointly managed by the Division and the Court. These treatment funds are designated for persons in drug court with misdemeanor offenses.

Sara Thomas advised the Committee that their feedback on the new financial reporting formats and approach would be very welcome and invited members to contact Jim Arnold, Financial/Budget Analyst with any comments. (jarnold@idcourts.net)

Taunya Jones reported that the division is working with the court's financial office to establish a means of providing more stable funding for residential and recovery support services to not have to rely on underexpenditures to provide these services.

Scott reminded the Committee that the Districts establish their allocation of the treatment slots twice a year, in July and January. These allocations are programmed into the billing tracking system (WITS) so that the funds can be managed and the status of treatment fund utilization can be regularly monitored, without overspending the funds available, to make optimal use of the funds to meet the treatment needs.

Scott reviewed prior committee policy recommendations for priorities for use of funds if additional funds become available:

Dedicated Fund:

Increased drug testing state match
Increased coordination funding, using the approved formula

Substance Use Disorder Treatment Funds:

Securing drug testing
Ensuring the full continuum
Expansion of existing or new courts

Sara Thomas reported that the Court is looking at funding allocation formulas across multiple court functions to see if the formulas continue to provide effective use of funds and to identify improvements that can be made.

Scott described prior consideration of the full continuum of substance use disorder treatment to include residential and recovery support services, including transportation and safe and sober housing. It is desirable to provide the full continuum of treatment to existing courts before the addition of new courts or expanding capacity in existing courts.

Ron Christian responded to the description of the full continuum of treatment. He indicated that right now there is a pretty serious problem with opiates. Having access to (MAT) Suboxone is much more helpful than residential treatment. Sara Thomas responded that there are discussions with the Department of Correction about other options for state funding for help with medication assisted treatment. Magni Hamso reported that the current federal Idaho Response to the Opiate Crisis (IROC) grant will not provide treatment to anyone who is involved with the criminal justice system. Scott Ronan reported that there are continuing discussions with the Department of Health and Welfare about drug court and other criminal justice involved persons having access to the IROC grant funds. Ross Edmunds reported that Medicaid does cover Medication Assisted Treatment for those on Medicaid and other legislative actions are under consideration.

Relief for Districts Related to the Application of the Statutory Priority of Payments

Scott Ronan reported on the development of an application process for districts to apply for financial relief due to demonstrated need resulting from the loss of funds from compliance with the priority of payments statutes. There is \$350,000 available in a one-time fund through the dedicated court fund.

Additional mitigation strategies have been shared with districts, as well, including enhanced district efforts for all monies owed to the court, understanding that pre-sentence cases do not trigger the priority of payments, and increasing the actual drug court fee charged. Problem solving courts will need to explore all options for fee collection.

Sara Thomas reported that the Court has a bill that has been printed asking the legislature to define the priorities among the 24 fees currently covered in the priority of payments statutes and including asking the legislature to advance the priority for misdemeanor probation services and for problem-solving court fees (to be made priority number 4).

DHW Substance Use Disorder Budget Shortfall

Scott Ronan reported that the Court is exploring ways to utilize its allocated substance use disorder (SUD) treatment funds to cover SUD treatment for mental health court participants. Due to DHW experiencing higher than expected treatment expenses for persons previously covered under the Access to Recovery Grant, which ended, there is a current treatment fund shortfall. This has resulted in limiting new admissions to many categories of persons seeking treatment. The Department recommended mental health courts limit new admissions but the Court preferred seeking reallocation of some existing resources for that population to continue to receive SUD treatment where there are co-occurring disorders and where the department itself cannot directly provide the treatment. Ross Edmunds reported that there is a potential of some available adult mental health funds to help with this issue.

Fiscal Year 2019 Issues-Provider Rate Increase

Scott Ronan reported that the Courts and other Executive Branch agencies with SUD funding submitted a joint letter and each requested in their FY19 requests to the legislature, a 5% rate increase for treatment services reimbursements. This will cover those services the drug courts utilize and will be added into the slot rate and monthly services payment cap. The total requested for this purpose is \$231,330.

Magni Hamso indicated that the flat rate reimbursement approach was much in line with the rest of the health care system that is moving away from the fee for individual service model.

Additional Spending Authority

Scott Ronan also reported that the Court was requesting an increase in spending authority of \$100,000 to be able to utilize funds that are available in the SUD fund in excess of current appropriated spending authority. With this increase we are approaching the level of funding needed to offer the full continuum of care, as currently defined.

Drug Testing Slot Rate

The Administrative Office of the Court is recommending that the drug testing slot rate be increased from \$500 to \$600. This rate does not represent the full cost of drug testing, which varies by district and which is borne by other contributions, including county contributions and participant fees. The *priority of payments* issues and widely varying county contributions result in significant differences among districts in drug testing budgets.

Ross Edmunds moved and Rich Neu seconded that the Coordinating Committee approve and recommend to the Court a \$600 rate for FY19 for each drug testing slot allocated. Motion carried with Ron Christian voting no.

Additionally, it was pointed out that drug testing costs are greatly increased today, particularly to test for the variety of opiates being consumed, as well as for other more uncommon but occurring drugs. Ron Christian observed that the rate should be \$1,200 rather than \$600. Discussion centered on several challenges to collecting and analyzing useful data to assess the impact of the change in drug testing frequency. Not all courts test for the same drugs, there are challenges in determining appropriate variables to be examined to show outcomes, the reality that it is a complicated question.

Rich Neu moved and Magni Hamso seconded that data be collected to determine whether the change from a declining schedule of testing, as participants move through the phases, to a drug testing protocol of continued twice weekly testing throughout drug court participation, actually shows better outcomes. Motion carried unanimously.

Coordinator Funding Allocation Formula

Scott Ronan provided a handout detailing the historic development of the current formula for allocating coordination capacity / funds to districts and the comparative allocations. He directed the Committee to information based on the 2013 formula and the 2016 formula, compared with the current allocations. Taunya Jones walked the Committee through the handout and invited discussion of whether the Committee perceived the need for changes.

Sara Thomas moved and Judge Darren Simpson seconded that the formula for allocating coordinator resources among districts be examined to provide proposal(s) for a better, more consistent formula. Motion carried unanimously.

Sara Thomas expressed the desire that the Coordinating Committee put this on their next meeting agenda for further discussion. Scott Ronan indicated that efforts would include a review of the current coordinator allocation to assure accurate data. Marilyn Miller recommended that attention be devoted to understanding the challenges facing coordination in the courts serving rural areas, where travel adds greatly to time requirements of coordination, along with very limited resources for participants which adds to case management efforts of coordinators. Lisa Martin pointed out that when coordinators manage multiple different court types, there is an impact on workload, as well, since multiple teams and multiple knowledge bases are required.

Standards and Quality Assurance Overview

Chair Justice Bevan reported to the Coordinating Committee that the Supreme Court has directed the Administrative Office of the Courts to develop a quality assurance process. The Coordinating Committee is tasked with recommending to the Court the details of such a process. Standards should stand on evidence and reflect Idaho needs and may, in some areas, be aspirational. The Court wants to be able to go to the legislature confident of the quality of current operations and ability to achieve the best outcomes. AOC Staff were directed to develop a set of proposed standards. The Committee was presented with an existing draft that is intended for discussion and input from this committee and the intention is to implement the Standards in a support manner to assist jurisdictions with identifying areas for improvement.

Quality Assurance Process

Ryan Porter referred the Committee to the draft materials in the meeting handout reflecting the proposed quality assurance and improvement plan. This plan consolidates several processes already existing, proposes some expansion in those processes, and some additional steps in quality assurance. The document provides explanation of each of the proposed steps in the overall plan. Several of these steps have previously been specifically approved and adopted by the Coordinating Committee. The steps in the proposed Quality Assurance Plan include: Certification; Peer Review; Managed Services and Contract Audit; AOC Staff Site Visits; Quality Performance Metrics; Outcomes Evaluations; Process Evaluations; and Performance Improvement Plans.

Ron Christian reported that he appreciated Taunya's comments in the prior District Managers meeting pointing out the need for this process in order to have data to inform the legislature and to support requests for additional resources. This gives him further support in presenting the plan and the need for the process to his local teams. Taunya reported that it is clear that the Legislature is making more and more budget decisions based on data. At present we have somewhat limited data and many gaps when we respond to Legislative questions. Sara commented that she gets many questions about the SUD funds and has limited data by which to answer those questions. She would be happy to visit any district to talk to team members and stakeholders about the data needs we have and how the quality assurance plan can support efforts to gain needed resources.

Scott pointed out that according to the extensive research, performed by NPC research on drug court outcomes and cost-effectiveness, when judges and the teams review data on their performance and make program changes indicated, that is the number one practice leading to better outcomes and more cost-effective outcomes. Many of the outputs from the proposed Quality Assurance process could be utilized for such an endeavor.

Ryan Porter pointed out that the seven quality assurance processes identified support differing views and understandings that different stakeholders and team members have of their operations. It is understood that full implementation of the quality assurance plan will take time and potentially additional resources.

Sara Thomas observed that the Coordinating Committee ordinarily meets in the Fall but she would not want the process of developing a quality assurance process and the development of standards to lose momentum. Therefore she recommends that the Coordinating Committee meet in late August.

Rich Neu moved and Judge Steven Hippler seconded that the Coordinating Committee approve the Quality Assurance Plan as presented. Motion carried with Scott Bandy and Marreen Burton voting no.

Discussions included observation that there was a Standards Committee appointed by the Coordinating Committee that had been meeting but that committee had not had opportunity to review the current standards draft or the quality assurance plan and the Committee has been discontinued. Marreen would like an opportunity to discuss the standards and plan with her teams. Henry Atencio asked if the quality assurance plan was optional or mandatory. Ryan Porter responded that it would apply to all courts. Taunya responded that the Administrative Office of the

Courts recognizes the responsibility to provide support, technical assistance, and training to fully implement Standards and the Quality assurance Plan.

Marreen questioned whether the requirement for managed care involvement, which is not required today, would recognize and provide an exception for an agency with CARF accreditation. Ryan responded that CARF accreditation would not completely replace the managed care audit portion of the QA plan. Jared Bingham responded that BPA exempts CARF accredited organizations from some but not all elements of their audit.

Standards

Ryan Porter described his process in preparing the proposed standards as directed by the Court. He pointed out that these standards represent a change in philosophy from prior drug court standards that were more detailed as to specifics of implementation. The proposed standards are more general statements of expectation. The manner of implementation is left to the individual Court and would be contained in its Policy and Procedure Manual. The standards proposed come substantially from the National Standards adopted by the National Association of Drug Court Professionals. He also looked to existing Idaho standards to address any issues that would make the national standards inadequately responsive to well-established Idaho needs or resources.

Taunya Jones described the rationale for recommending the National Standards. These standards have been developed with extensive input from the field but more importantly are based on research into practices that have been found to be associated with positive outcomes. The way they are stated lend themselves better to a quality assurance process.

There was discussion of how soon standards could be approved for recommendation to the Supreme Court. Spring of 2019 was proposed but was judged to be too late, as the Quality Assurance Plan cannot move forward without adopted standards. To maintain momentum on the process, the proposed date for the next meeting would be August 24, 2018. Discussion to develop recommendations for adoption of the standards should be on that agenda. The Coordinating Committee recommendations, along with all feedback received, will then go to the Supreme Court for their consideration and adoption soon thereafter.

In order to prepare the materials incorporating and compiling all feedback received, the end of May 2018 should be the deadline for comments on the draft standard statements.

Rich Neu moved and Judge Darren Simpson seconded that all comments and suggestions with respect to the proposed standards be submitted no later than the end of May, 2018.
Motion carried unanimously.

FY20 Preliminary Budget Concepts

Taunya Jones presented the FY20 Preliminary Budget Concepts and requested input from the Coordinating Committee. She would like discussion of budget concepts to become more strategic and look ahead for a three-year time frame. She recommends looking at the needs and developing recommendations without respect to what specific fund the resources might come from:

Currently proposed concepts include:

- To implement the quality assurance measures to support efforts to adhere to evidence-based practices
- To fulfill the need to provide necessary treatment services to high-risk and high-need offenders that are served in problem-solving courts, including:
 - To align funding levels with best practices as outlined by the National Standards
 - To secure all Executive branch committed funds that are utilized or co-managed by the Supreme Court including misdemeanor PSC and SUD treatment for Mental Health Court participants
 - To provide additional treatment and testing slots for problem-solving courts operating at or near capacity
- To provide for additional coordination funds to meet the need to hire and retain quality professionals

Discussion included:

Understanding that implementing the quality assurance plan will require additional resources. Ron Christian pointed out that drug testing now costs at least double what it used to cost and \$600 is nowhere near the cost. Local fees are impacted by the priority of payments issue and reduce the local ability to contribute to drug testing costs. Rich Neu supported this observation and indicated that \$600 is about half of the needed amount but obtaining the other half from local resources such as counties or participant fees is unrealistic. Marilyn Miller agreed with this assessment. Marreen Burton suggested that the funds for coordination and testing come as a single sum and districts locally determine the best allocation. Scott Ronan suggested that such lack of specificity about how funds were being used would put the system at risk for lack of accountability. Paul Meigio asked if the Committee had not already addressed the issue of drug testing. JoAnn Martinez pointed out that both coordination and drug testing funds are needed. Ron Christian reiterated that for District 3, adequate funds for drug testing and access to Suboxone were highest priority.

Judge Darren Simpson offered that the Coordinating Committee is charged with identifying priorities for the entire state.

Eric Olson indicated that courts in District 7 could certainly take more people in but that funds need to be obtained outside of the agency siloes. More probation supervision through IDOC is needed to be able to expand. Judge Simpson affirmed this observation.

Judge Darren Simpson moved and Rich Neu seconded that existing priorities established by the Coordinating Committee be approved, including:

- Drug testing state match to be set at \$600 for all court types
- Increasing the coordination allocation by applicable formula
- Securing as ongoing the state drug testing contribution
- Insuring a full continuum of treatment and recovery support services
- Expansion of existing or new courts

Motion carried with Ron Christian voting no.

Judge Darren Simpson moved and Rich Neu seconded that the FY2020 budget concepts be approved, including:

- Implementation of the quality assurance measures to support efforts to adhere to evidence-based practices
- Fulfill the need to provide necessary treatment services to high-risk and high-need offenders served in problem-solving courts, including:
 - Alignment of funding levels with best practices as outlined by the National Standards
 - Securing all Executive Branch committed funds that are utilized or co-managed by the Supreme Court including misdemeanor PSC and SUD treatment for Mental Health Court participants
 - Providing additional treatment and testing slots for problem-solving courts operating at or near capacity
- Provide for additional coordination funds to meet the need to hire and retain quality professionals

Motion carried with Marreen Burton and Ron Christian voting no.

Letter of Proposed Termination of Ada County DUI Court

Judge Melissa Moody presented a letter of termination of the Ada County DUI Court, effective June 30, 2018. Judge Moody outlined reasons for the action, which she emphasized was not lightly taken. Primary considerations were relatively few referrals and participants, inability to provide effective treatment to so few individuals at a time, pressures on the magistrate bench in District 4, which is currently down two magistrates, the need to use judicial resources for the best return on investment, and the loss of Office of Highway Safety funding for ten slots and for coordination.

Tyler Beck and Kari Helgesen of the Boise City Attorney's office addressed the Coordinating Committee to express support for the DUI court as a very good program with low recidivism and their regret at the termination of a needed option in Ada County.

Committee members discussed the loss and questioned alternatives including addressing low numbers of participants by magistrates ordering DUI convicted offenders into the DUI Court. It was

suggested that all current DUI Court participants be allowed to complete their program rather than adopt a specific termination date.

Reasons for the court not attracting sufficient participants were discussed including participants not electing to participate because the potential consequences are not sufficiently severe to offset the requirements. Judge Robert Naftz pointed out that Bannock County had expanded to accept felony DUI cases in order to have sufficient numbers and to adequate leverage participation.

Judge Steven Hippler moved and Scott Bandy seconded Coordinating Committee approval of the planned termination of the Ada County DUI Court, effective June 30, 2018. Motion carried unanimously.

Review of Parolee in Problem-solving Court Memo

In the interest of time, Taunya Jones referred members to the memo on admitting individuals on parole into a drug court when they have been convicted of a new offense, and are otherwise eligible for drug court admission. This policy allows them to enter drug court rather than to have their parole revoked and be sent to prison. The procedure has been streamlined by the Parole Commission to expedite consideration and admission when agreed upon by all parties. The procedure has been shared with all courts and is beginning to be implemented.

Planning for Statewide Conference in FY2019

Scott Ronan announced the plans for a statewide conference to be held in 2019. (Tentatively March 2019) and solicited input on topics. The conference may be for just drug courts or may be for all problem solving courts, budget permitting. Potentially, costs for the Judge and Coordinator from participating courts would be covered. Dr. David Mee Lee and Michael Clark are potential presenters. Marilyn suggested information on medication assisted treatment and the topic of the cost-benefit of the recommended increased frequency of drug testing as potential topics. The invitation to provide input on topics and speakers will be shared with all courts.

Evaluation of Seven Challenges Curriculum Delivery to Adult Drug Court Participants

Jared Bingham, Director of the D7 Treatment Program reported on the pilot use of the Seven Challenges curriculum with the adult drug court. The evaluation was carried out by Josephine D. Korchmaros, Ph.D., Director of Research Methods and Statistics at the University of Arizona's Southwest Institute for Research on Women. The evaluation included interviews with participants at intake and after 90 days in the program. The curriculum was originally designed and evaluated with Juveniles. D7 has used it also with the Young Adult Court. A hallmark of the program, which provides a higher level of confidentiality of client disclosures in team meetings, has been an anecdotally reported increase in participant honesty, such that clinical issues can be better addressed in treatment.

The question was asked, has the program changed the team dynamics. Judge Simpson replied that it had changed the dynamics, especially early on, with probation and prosecution taking strong exception to the non-reporting of certain rule violations when known to the treatment staff. This disapproval has moderated somewhat over time. Use of this curriculum includes a high level of commitment to fidelity including regular coaching contacts and fidelity site visits. The curriculum is not a manualized curriculum but rather deals with each participants specific issues at the time of

their contact with the program. The findings reported in the study suggested that the program “was more effective in reducing substance use and co-occurring and correlated problems than standard CBT”. The program was found to “reduce substance abuse, mental health problems, and criminal behavior among adults and to increase vocational engagement.”

Medication Assisted Treatment Workgroup Update

Norma Jaeger briefed the Coordinating Committee on the initial discussions and direction of the Medication Assisted Treatment workgroup. The workgroup met to discuss procedures that would provide guidance to problem-solving courts on the utilization of medication assisted treatment, under current or revised standards dealing with medication assisted treatment.

The workgroup identified a number of issues related to MAT including access to prescribers in some areas, concerns with some prescribers medication practices, drug testing procedures, effective strategies to reduce or prevent diversion, and the cost of the medication and related treatment.

A draft document was prepared following the last workgroup meeting based on workgroup comments, the national standards, evidence-based practices, and other available national educational materials. This draft will be the subject of the next workgroup meeting, scheduled for March 2, 2018. Marreen Burton and Scott Bandy expressed desire to participate in that meeting, as has Marilyn Miller.

Odyssey Forms and Policy Workgroup Update

Scott Ronan briefed the Coordinating Committee on the results from the Odyssey Forms and Policy Workgroup. Efforts are being made to standardize and include in the Odyssey system some commonly needed forms for problem-solving courts.

3:40pm Meeting Adjourned (Proposed date of next meeting – August 24, 2018)