

**Substance Abuse and Crime Prevention Act of 2000 (SACPA)
STATEWIDE ADVISORY GROUP MEETING SUMMARY
February 18, 2005**

WELCOME AND DIRECTOR'S REPORT

Del Sayles-Owen, Deputy Director, with the Department of Alcohol and Drug Programs, Office of Criminal Justice Collaboration, welcomed the members on behalf of Director Kathryn Jett who was unable to attend the meeting.

Del Sayles-Owen mentioned that Director Jett had the opportunity to speak with the District Attorney's Association during their annual meeting. Director Jett was joined by Al Senella of the California Association of Alcohol and Drug Program Executives and Larry Carr with the Department's Office of Applied Research and Analysis.

Del Sayles-Owen reported that the Governor's California Performance Review, including the proposed reorganization of the Youth and Adult Correctional Agency is under review. The Little Hoover Commission has until March 7, 2005, to submit its review of the proposals to the Governor and the Legislature. The Governor also announced that the reorganization of other agencies will follow in the coming months.

Ms. Sayles-Owen announced that the First Annual ADP Treatment Conference "Designing the Road Map", will be held May 4 – 6, 2005, at the Sacramento Convention Center.

Ms. Sayles-Owen reported that ADP did well in the Governor's proposed budget. Although the Substance Abuse Prevention and Treatment Block Grant are scheduled for a \$500,000 reduction, ADP is going to absorb the reduction with no effect on the counties. She also noted that the Governor laid out four reforms in his second state of the state address in across-the-board cuts when expenditures exceed revenues; reforming the state pension system; tying teacher pay to merit instead of tenure; and convening an independent panel of retired judges to determine California's legislative and congressional districts.

The President's budget was released and it proposed elimination of the Safe and Drug Free Schools and Communities Grant. If funding is cut, ADP may lose \$10.5 million, and nearly 28,000 youths in California would be effected.

**PROGRAM UPDATES
FROM STATEWIDE ADVISORY GROUP MEMBERS**

Members engaged in a roundtable discussion and reported program updates from their associations. Areas covered included:

Legislation

- The California Organization of Methadone Providers is considering proposing jail dosing legislation. They are also working with ADP to bring back the sliding scale legislation that was vetoed last year.

- The Office of the Attorney General is reviewing the issue of controlling of over-the-counter drugs containing acetaminophen.
- The California Association of Addiction Recovery Resources is moving its recovery maintenance bill for the fourth time.
- Law enforcement reported that Senator Ducheny will be introducing a bill that would modify the Substance Abuse and Crime Prevention Act of 2000.

Treatment

Dr. Peter Banys, California Society of Addiction Medicine, reported that there is a new ultra rapid detoxification on the market.

Santa Clara County has made changes in program operations in response to handling shortfalls. The county is providing telephone assessments and currently has waiting lists for clients.

Collaboration

Los Angeles County has issued an annual report. The drugs of choice are methamphetamine and cocaine. Latinos were the highest percent of the population in the county. The average ages of clients are 36- 40 years old, but the county is hoping to reach a younger population. In addition, the county is serving a higher percentage of males, which reflects the diversity of the county.

San Joaquin County is increasing its treatment needs for narcotic replacement therapy.

Los Angeles County continues to experience successful collaboration. The county received 1,500 referrals from parole and 7,300 from the courts.

The California Department of Corrections (CDC) had plans to send out a letter of Health Insurance Portability and Accountability Act (HIPPA) compliance to counties. The letter is currently on hold pending a review of CDC's HIPPA responsibilities.

Martin Martinez, Native American Constituent Committee, noted that more collaboration is needed in the county with regards to treatment services for Native-Americans.

UNMET NEEDS SURVEY PRESENTATION

Toni Moore and Susan Blacksher reported on the outcomes from the Unmet Needs Survey. The Unmet Needs Survey received responses from 57 of the 58 counties. The results were compiled in December 2004. The survey concluded that counties would need an additional \$53 million dollars in SACPA funding in order to provide appropriate levels of services for Proposition 36 clients. Of this \$53 million dollars, the need was divided as follows: \$34,500,000 for treatment, \$5,800,000 for ancillary services, and \$12,700,000 for Criminal Justice expenditures.

Probation and treatment are planning to come back to the Proposition 36 Reauthorization and Restructuring Workgroup committee with an additional survey.

The objective of the survey was to show the program can be successful with adequate funding of services. Members noted that this survey would help inform the legislature as it reviews future SACPA funding. Another survey is planned that should be easy for the counties to respond. It should be more detailed, with discreet categories under treatment and criminal justice. Admission numbers and estimations around residential treatment should also be included in the next survey. It was suggested the survey ask what ancillary services would be provided if there was no limit on spending. Members concluded that this will open the discussion regarding the allocation formula.

SACPA FUNDING SUNSET PROVISIONS

Del Sayles-Owen provided members with an update on the timelines for responding to the SACPA sunset provisions. On January 20, 2006, the Governor will introduce the budget, and ADP will be submitting budget change proposals for approval by September 2005.

Members expressed a need to strategize around accessing Proposition 63 funding for Proposition 36 clients with co-occurring disorders.

Members expressed concern that more should be done to leverage state dollars, particularly in the area of Drug Medi-cal. It was also noted the Maintenance of Effort (MOE) is restrictive on ADP's fiscal management. For instance, if the MOE is exceeded, that will create a new MOE, which prohibits changes in the future. If the level of state funding is not maintained for two consecutive years, it will result in a loss of federal funds. Members concluded that the MOE issue should be reviewed. ADP staff will provide technical assistance on the implications of the MOE at the next meeting.

AVISA GROUP

Dr. Suzanne Gelber from The AVISA Group reported that her organization has interviewed ten counties in an effort to assist ADP in understanding and addressing some of the findings in the UCLA Evaluation. Rural, small, and large counties were interviewed including north, central, and southern counties. The goals of the study and technical assistance were:

- To listen carefully to a broad variety of stakeholders' opinions about how best to improve and maintain SACPA programs and funding.
- To report on key stakeholders' perceptions, including how they rate possible changes to SACPA.
- To analyze results and make suggestions for continuous improvement.

The study scope includes collection and analysis of observations by key law enforcement, criminal justice, substance abuse administration and treatment stakeholders in each of ten selected counties in California. The final report is scheduled for release in April 2005.

PUBLIC HEALTH APPROACH TO PROPOSITION 36

Dori Klein and Richard Speigman, Public Health Policy at the University of California Davis presented an overview of their publication "Public Health Approach to Proposition 36". Using data from a wide range of key individuals in eight counties, the study explored procedures, concerns, similarities, and differences in the local planning of Proposition 36. The study also identified eight issues including the similarities and differences regarding treatment capacity and access to care that may be illuminated by further research into societal benefit and costs. The concluding discussion touched on some broader scientific and policy issues for future initiatives of this kind in the United States.

Participating counties included Alameda, Fresno, Imperial, Orange, Sacramento, San Francisco, Santa Clara, and Solano County. These counties were chosen partly for diversity of the lead agency. These counties combined makeup is 27.3 percent of California's total population.

Ms. Klein noted that the differences between treatment capacity and access to treatment can be used to illustrate successful practices. The article is a public health viewpoint that looks at outcomes and social impacts.

Members expressed concern that not all of the data in the report is accurate because it is three years old. The members expressed a need to get more current data published and asked that ADP provide the group with an update at the next meeting.

PROPOSITION 36 REFUNDING AND RESTRUCTURING COMMITTEE UPDATE

Judge Manley provided the members with updates on the current discussions to improve Proposition 36. Judge Manley reported that this has been a challenge but, some real progress has been made. The group continued to discuss language that would address the following areas:

- Definition of "Drug Treatment Program"
- Mandatory drug testing
- Use of the drug court model
- Dismissal of charges
- Funding levels
- Jail sanctions and violations

Other Topics

Several other topics introduced, but not thoroughly discussed, included: length of treatment; standardized reporting by treatment; availability of residential and sober living environment; allocation methodology; redirection of excess funds; and capping non-treatment costs.

A member stated that Senator Migden will carry a bill that will cap non treatment costs and shorten the term of probation, but the bill number has not yet been assigned. This bill will go to the committee in the coming months.

Dave Labahn, California District Attorney's Association noted that the district attorneys will continue to advocate for jail sanctions and more discretion for the courts.

RECOVERY AND REDISTRIBUTION OF EXCESS FUNDS

Peggy Blair, Manager in the Office of Criminal Justice Collaboration described the ADP proposal to recover excess funds from counties and redistribute them to those that have a need for funds. The preliminary allocation needs to be released to the counties by February 28, 2005.

If the county has excess funds of 20 percent or more of their total available funds for FY 03/04, funds recovery applies. Exceptions to this rule are based on the following factors:

- The county's excess funds decreased by ten percent or more from FY 02/03 to FY 03/04,
- The county projected expenditures will increase by ten percent or more from FY 04/05 to FY 05/06, and the county's total expenditures increased by ten percent or more from FY 02/03 FY 03/04, and
- The county projected clients will increase by ten percent or more from FY 04/05 to FY 05/06.

At this time there are 21 counties eligible to receive an estimated \$9.3 million of redistributed funds. Fourteen counties will have excess fund recovered. Twenty-three counties were exempt from recovery, but did not qualify for redistribution.

There are an additional five counties that will see a decrease in their allocations. These decreases are not due to recapture of excess funds, but to changes in the allocation formula factors (population, treatment caseload, and arrests).

There was concern expressed by some members that recovering excess funds is problematic. Another member expressed that if the excess funds are allowed to sit idle after the sunset date; there could be a problem for reauthorization in justifying the funding request.

Del Sayles-Owen commented that ADP has developed draft regulations to implement the proposed changes. There has been a lot of discussion on how to determine the prudent reserve amount, which counties should receive the funds, and under what circumstances. ADP has received input from the SACPA Statewide Advisory Group, the County Alcohol and Drug Program Administrators Association of California (CADPAAC), and the Fiscal Work Group, which is advisory to ADP, in the development of the proposed changes. ADP expects emergency regulations to take effect for the FY 2005-06 allocations. ADP plans to issue two allocations. The first is based on ADP's proposed excess funds regulations. The second allocation is based on the current methodology if the excess funds regulations are not adopted. ADP will encourage counties to develop their plans using the preliminary allocations based on the proposed excess funds regulations. The goal is to release the preliminary allocations by February 28, 2005 so that counties can complete their plans that are due May 1, 2005.

Members advised ADP to release the preliminary allocations. They asked for a more detailed discussion of the draft regulations at the next meeting.

NEXT STEPS

Members suggested the following agenda items for the next meeting:

- Federal Block Grant Maintenance of Effort (MOE) Requirements
- Regulations Update on Excess Funds
- Reauthorization Work Group Update
- Program Expenditure Data

The next meeting is scheduled for April 22, 2005, 8:30 A.M. to Noon. The meeting will be held at 1700 K Street, Sacramento, First Floor conference room.