

HHS&PS ITEM #1
October 15, 2018

WORKSESSION

MEMORANDUM

October 10, 2018

TO: Health and Human Services Committee (HHS)
Public Safety Committee (PS)

FROM: Linda McMillan, Senior Legislative Analyst *LMc*

SUBJECT: **Worksession:** Special Appropriation to the FY19 Operating Budget
Montgomery County Government; Department of Health and
Human Services; Adult Drug Court
\$70,799 Source of Funds: General Fund Reserves

PURPOSE: Vote on recommendation to Council

Expected to Attend:

Dr. Raymond Crowell, Chief, Behavioral Health and Crisis Services
Ms. Jenna Davis, Problem Solving Court Coordinator, MC Circuit Court

A special appropriation, lead sponsor Councilmember Katz and co-sponsored by Councilmember Floreen, was introduced on September 11, 2018 to appropriate \$70,799 to the Department of Health and Human Services to fund an additional Therapist to both increase the capacity of the Drug Court and provide the more intensive services that are needed due to the complex nature of opioid and multi-substance addiction. A memo from Councilmember Katz is attached at © 1-2 and an approval resolution is attached at © 3-4. Councilmember Katz's memo contains recent information on drug and alcohol related deaths.

The Council held a public hearing on October 2, 2018 and received testimony from the Honorable Judge Nelson Rupp, Phil Andrews on behalf of the State's Attorney, Ms. Lynn Boynton, Esq., Mr. Nicholas Borowski (Drug Court participant), and Ms. Bunny Boswell of Outpatient Addiction Services. Written testimony is attached at © 5-11. The October 3 press release from Councilmember Katz, which references the testimony of Mr. Borowski, is attached at © 12.

Council staff recommendation

Council staff recommends approval of the special appropriation. Given the more intensive services that are needed to help someone recover from opioid addiction and the increasing number of people with an opioid/heroin addiction, it is appropriate to fund a staffing adjustment for this program.

Background

The Joint HHHS and PS held a worksession on the Adult Drug Court on April 20th. The need for an additional Therapist was discussed at that time, and the Joint Committee recommended to the Council that it added to the Reconciliation List. The Council was not able to include funding in its May approval of the FY19 Operating Budget. The following is an excerpt of the information provided to the Joint Committee.

The County's website describes the Adult Drug Court as a "comprehensive, voluntary treatment program for adult offenders suffering from drug and alcohol dependence." Its mission is to, "reduce addicted offenders' criminal activity and thereby increase public safety by linking them with appropriate services. Success of the program is tied to the success of participants being able to sustain a crime-free and sober life." The Adult Drug Court started in 2004.

Admission Criteria

An adult resident of Montgomery County, Maryland either:

1. Sanctioned and approved by the Office of the State's Attorney for referral to the Drug Court Program as part of a binding plea agreement;
Or,
2. Referred as a condition of a violation of probation (VOP);
Non-violent;
Assessed as a substance abuser; and
Fully capable of participating in Drug Court activities and programs

The Adult Drug Court is staffed by both Circuit Court case management and case management and treatment staff in the Department of Health and Human Services.

A full-time case manager in the Circuit Court can handle up to 50 cases. The Circuit Court costs are funded by the Judiciary's Office of Problem Solving Courts.

The observation of the Court is that as participants' problems have become more complex, including increasing use of heroin/opiates and multiple types of substances and mental health problems, individuals cannot always be given the level of services they need to prevent relapse and to successfully complete the program. The Joint Committee heard from the Court that a ratio of one Therapist for every 15 participants, instead of one Therapist for 20 participants, would provide the higher level of service needed. The addition of a sixth Therapist would allow the Court to have 90 participants and provide this more intensive service.




MONTGOMERY COUNTY COUNCIL
ROCKVILLE, MARYLAND

SIDNEY A. KATZ
COUNCILMEMBER - DISTRICT 3

MEMORANDUM

September 5, 2018

TO: Councilmembers

FROM: Councilmember Sidney Katz 

SUBJECT: **Special Appropriation for a Therapist for the Adult Drug Court**

I am asking for the Council's support to appropriate \$70,799 to the Department of Health and Human Services to fund an additional Therapist position for the Adult Drug Court. While the Adult Drug Court is a program of the Circuit Court, the clinical support for the participants is provided by the Department of Health and Human Services' Behavioral Health and Crisis Services.

The Adult Drug Court is a "comprehensive, voluntary treatment program for adult offenders suffering from drug and alcohol dependence." Its mission is to, "reduce addicted offenders' criminal activity and thereby increase public safety by linking them with appropriate services. Success of the program is tied to the success of participants being able to sustain a crime-free and sober life." The Adult Drug Court started in 2004.

This past April, the Joint Public Safety and Health and Human Services Committee heard from the Honorable Nelson Rupp, Judge in the Montgomery County Circuit, not only about the successful history of the Adult Drug Court in changing the lives of participants and their families, but of his concern that the current staffing structure has not changed in response to the opioid crisis and the increased complexity of the addiction participants are facing. At the time of our discussion, there were vacant positions, which was adding to this problem, and which the Department of Health and Human Services has been working to fill. However, Judge Rupp told us that Therapist staffing really needs to be based on a ratio of one Therapist for every 15 participants, rather than an average of one to 20. He shared that when he first began the Drug Court, the challenges for participants were usually alcohol, marijuana, and cocaine. He further told us that as he has seen the growth in opioid addiction, he has changed his own view on things such as medication assisted treatment for addicts because it is so critical to break the dependence on illegal opioids, and it is so hard to do. There are currently 73 active participants in the Adult Drug Court and four people waiting assessment. Between June 1st and September 1st there were 11 new participants compared to four for the same time last year.

I know that there were many items on our reconciliation list that we were not able to fund in our May actions because we correctly placed a priority on maintaining our fire and rescue services. However, the Maryland Department of Health's report, "Unintentional Drug- and Alcohol-Related Intoxication Deaths in Maryland, Annual Report 2017" shows that the opioid crisis continues. The following table shows the increase in deaths statewide and those that occurred in Montgomery County.

Drug and Alcohol-related deaths 2017 (by place of death)

	Statewide Total	Montgomery County Total	Montgomery County Opioid- Related
2013	858	52	40
2014	1,041	65	53
2015	1,259	70	59
2016	2,089	102	84
2017	2,282	116	91

Opioid-related deaths often involve more than one drug. Included in the 116 deaths in Montgomery County were 52 heroin, 19 prescription-opioid, 72 Fentanyl, and 7 Carfentanil-related deaths. There were also 17 cocaine-related deaths. Statewide the number of Fentanyl related deaths increased by 42%. Fentanyl-related death increased for all age groups, for Blacks and Whites, for men and women, and in all regions of the State.

With this additional funding the Drug Court can have the appropriate Therapist staffing to serve 90 participants with the level of service that is needed to address the complexity of each case.

I hope the Council agrees with me about how critical it is to address this problem and that it will support this additional funding.

Resolution No.: _____
Introduced: _____
Adopted: _____

COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND

Lead sponsor: Councilmember Katz; Co-sponsor: Councilmember Floreen

SUBJECT: Special Appropriation to the Fiscal Year 2019 Operating Budget
Montgomery County Government
Department of Health and Human Services
Behavioral Health and Crisis Services; Adult Drug Court
\$70,799 (Source of Funds: General Fund Reserves)

Background

1. Section 308 of the County Charter provides that a special appropriation is an appropriation which states that it is necessary to meet an unforeseen disaster or other emergency, or to act without delay in the public interest. Each special appropriation shall be approved by not less than six Councilmembers. The Council may approve a special appropriation at any time after public notice by news release. Each special appropriation shall specify the source of funds to finance it.
2. Since 2004, Montgomery County has worked to change the lives of people with alcohol and/or drug addiction who are involved in the criminal justice system through the Adult Drug Court. Successfully graduating from the Adult Drug Court requires the participant to be crime-free and sober/drug-free. Since 2004, 202 people have graduated from the Adult Drug Court. On September 1, 2018, there were 73 people actively enrolled.
3. Unintentional drug and alcohol-related deaths continue to rise in Maryland and in Montgomery County. The Maryland Department of Health reports that in 2013, 52 of these deaths occurred in Montgomery County with 40 being opioid-related. In 2017, there were 116 deaths with 91 opioid-related.
4. The Council has been informed by representatives of the Circuit Court that the capacity and effectiveness of the Adult Drug Court has been impacted by vacancies in clinical positions and due to the increasing complexity of participants' addiction because of the sharp growth in the use of opioids, heroin, and fentanyl. An additional Therapist is needed to allow staff to work more intensively with these participants and their families.

5. Notice of public hearing was given and a public hearing was held.

Action

The County Council for Montgomery County, Maryland, approves the following action:

A special appropriation to the FY19 Operating Budget of the Montgomery County Government in the amount of \$70,799 is approved as follows:

	<u>Personnel Expense</u>	<u>Operating Expense</u>	<u>TOTAL</u>
Department of Health and Human Services	\$65,543	\$5,256	\$70,799

This appropriation will fund a new Therapist position for the Adult Drug Court. The Source of Funds is General Fund Reserves. This appropriation is needed to act without delay in the public interest.

This is a correct copy of Council action.

Megan Davey Limarzi, Esq., Clerk of the Council



Sixth Judicial Circuit
of Maryland
Judicial Center
Rockville, Maryland 20850

Nelson M. Rupp, Jr.
Judge

October 2, 2018

(240) 777-9282

Montgomery County Councilmembers
100 Maryland Avenue
Rockville, Maryland 20850

Members of the Montgomery County Council:

Thank you for considering the request of Councilmember Katz and Councilmember Floreen to appropriate \$70,799 to the Department of Health and Human Services to fund an additional Therapist position for the Adult Drug Court.

14 years ago we began our Adult Drug Court with the assistance of a number of disparate agencies, including the State's Attorney, Public Defender, Health and Human Services, Parole and Probation, Court Administration and Sheriff's Office. We have continued to work together with tremendous results. The Montgomery County Council has been an essential component of our success. Your funding of the Health and Human Services aspect of Drug Court is critical to our ability to successfully address the needs of our Drug Court participants.

Our Drug Court population consists of non-violent addicted offenders. We have made a conscious decision to focus our efforts on repeat repeat offenders. The first offender or second offender may not need the intense treatment, monitoring and supervision that Drug Court provides. Drug Court is a very difficult program. It takes on average three years to complete it. Each participant is required to attend three treatment sessions per week; undergo random urinalysis two to three times per week; report to their case manager weekly; attend three 12 step meetings per week; attend court weekly; have employment; and live in approved sober housing.

The vast majority of our Drug Court population has never succeeded at anything. The vast majority of our Drug Court population has lived a life of addiction and crime. The vast majority of our Drug Court population only enters Drug Court to avoid a lengthy period of incarceration. Consequently, changing a lifetime of behavior and conduct for this population is an incredible challenge. But it also is incredibly rewarding. To see these individuals get their lives back, their families back, and to have hope for a better way of life makes all the time, effort and stress worthwhile. The people who work in our Drug Court are here on a mission to our community. It is a ministry. It is not a job. It is our passion. We have experienced the joy of 102 successful graduates of Drug Court.

But we are failing. We cannot continue to work with our Drug Court participants without your help. The existing staffing of one Therapist for every 20 participants is woefully inadequate because our Drug Court population has drastically changed over the past 14 years. In 2004 the primary substances of abuse were alcohol, marijuana, PCP and cocaine. Opioid abuse was non-existent. Now, two-thirds of our population reports opioid abuse. Synthetic substances, such as K-2 and others that mimic opioids and benzodiazepines, are significant issues for our population. These are incredibly dangerous and escape detection in most drug tests.

In the past year we provided services to 102 Drug Court participants; 30 of whom were new admissions. Consequently 1/3 of our population was in the most intense phase of our program and required the highest level of support from Therapists. 65% of our population received sanctions during the year for non-compliance. This required our Therapists to communicate more with the Court to address the challenges presented by our participants. In addition, our Therapists attend weekly court sessions to review each client's status and participation. On average, there have been 34 clients in court each week; for a total of 135 client reviews each month; equaling 1,615 client reviews over the past year. These reviews are added to Therapists' duties of required court participations, facilitating treatment groups three nights per week; meeting with clients for individual treatment sessions; developing individual treatment plans for each client; documenting services provided; and addressing emergencies with clients.

If we are to have any chance of success with our current Drug Court population we need the effective support of our Therapists. They are now over-worked and understaffed. This high-maintenance and highly addictive population can only be effectively treated with a ratio of one Therapist for every 15 participants. We desperately need your support. Please approve the funding for an additional Therapist for Drug Court.

Thank you.



Nelson W. Rupp, Jr.
Associate Judge of the Circuit Court
Montgomery County, Maryland
50 Maryland Avenue
Rockville, MD 20850



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State's Attorney for Montgomery County

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DEPUTY STATE'S ATTORNEYS

LAURA CHASE

PETER A. FEENEY

Testimony by Phil Andrews, director of crime prevention initiatives for the Montgomery County State's Attorney's Office, on behalf of State's Attorney John McCarthy, in favor of the proposed supplemental appropriation of \$70,799 for a therapist for HHS Behavioral Health and Crisis Services for Adult Drug Court

Good afternoon, Council President Riemer and Councilmembers.

I am Phil Andrews, director of crime prevention initiatives for the Montgomery County State's Attorney's Office. I am testifying on behalf of State's Attorney John McCarthy in support of this appropriation for an additional Health and Human Services therapist for Drug Court. Mr. McCarthy thanks Councilmember Sidney Katz for introducing this resolution and Councilmember Nancy Floreen for co-sponsoring this measure, and appreciates the strong support that all members of the Council have shown for both Drug and Mental Health Court.

Mr. McCarthy has attended every Drug Court graduation. Those of you who have had the opportunity to go to the graduations know how powerful and moving they are. The remarks of the graduates are always the highlight of the ceremony. More than 200 county residents who would otherwise almost certainly be dead or in jail have completed this rigorous program.

Mr. McCarthy salutes Circuit Court Judge Nelson Rupp for his vision in starting Drug Court and his stamina and skill in leading it for fourteen years. Problem-solving courts like Drug Court require a "champion judge" to launch successfully. Judge Rupp has been that champion judge in Montgomery County and there is no better reason to approve this appropriation than that Judge Rupp says it is necessary to address the needs of Drug Court participants.

One of the many ripple effects of the success of Drug Court has been the launch of another problem-solving court -- Mental Health Court. The success of Drug Court helped people feel comfortable that a complex, problem-solving court such as Mental Health Court could be successful. This is yet another reason to salute Judge Rupp.

You have heard from Judge Rupp why this additional therapist is needed. State's Attorney John McCarthy has the highest admiration for Judge Rupp and complete confidence in his judgment.

Mr. McCarthy very much regrets that Judge Rupp's mandatory retirement date is approaching. If the Council has recently acquired the authority to amend the appropriation to extend Judge Rupp's tenure, that would be very much in the public interest. Short of that, Mr. McCarthy urges you to give your strong and expeditious support to this appropriation. Thank you.

Testimony: Lynn Boynton

FACT SHEET FOR MONTGOMERY COUNTY ADULT DRUG COURT

3

- Drug Court is an intense program of treatment, supervision, and monitoring for non-violent addicted offenders.
- The program is a ~~minimum~~ of 20 months in duration with the average length of time in the program being 32 months.
- The program consists of four phases. The requirements for each phase are outlined below.

	Phase 1	Phase 2	Phase 3	Continuing Care
Length of phase	8 months	6 months	4 months	2 months
Frequency of court	Weekly	Once every 3 weeks	Once every 4 weeks	Once every 6 weeks
Frequency of case management meetings	Weekly	Once every 3 weeks	Once every 4 weeks	Once every 6 weeks
Number of times per week a case manager must be called	1	1	1	1
Substance abuse treatment schedule	Mon: 5-8 pm Tues: 5-9 pm Wed: 5-8 pm	Mon: 5-8 pm Wed: 5-8 pm	Mon: 5-8 pm	None
Number of recovery meetings required each week	3	3	3	3

- Each participant works closely with an assigned case manager and addiction therapist.
- Drug Court status hearings are held every Thursday at 11:00 am, 4:30 pm and 5:00.
- Each participant is randomly tested for drugs and alcohol two to three times per week.
- Each participant must live in approved sober housing which is typically an Oxford House.
- Each participant must get a job, enroll in school full-time, or complete volunteer work if on disability.
- Drug Court offers a GED program to ensure every participant graduates with a high school education.
- For those with a high school education, Drug Court is able to assist with enrollment in certificate programs, apprenticeships, and college courses.
- Drug Court also has a life skills/vocational counselor to assist participants in obtaining gainful employment.
- Sanctions are given quickly for positive drug tests and program non-compliance and include increased treatment requirements, short-term incarceration, and inpatient treatment.
- Incentives are given for progress in the program and include verbal praise, gift cards, and phase advancement.
- Probation is closed satisfactorily at Graduation.

(8)

Testimony: Lynn Boynton

3

1. Last August, I wrote a very difficult letter to Ray Crowell, a man I truly admire and respect, indicating why I resigned from the OIT, Save A Life Montgomery and the Overdose Fatality Review Task Force....to focus on being Board member of Montgomery Miracles a 501c 3 which supports Drug Court. Only so much time, use it where has greatest impact. ... I was advised him that of all the areas I had been exposed to, the only one that seemed to cut to the chase with regard to the issue of addiction and its corresponding ripple effect by making significant constructive changes, and saving lives, which is all I care about....was Drug Court.

We have many different agencies with best intentions working on these issues, but coordination and inefficiency and meetings to have meetings is tortuous...and is not making the intended impact. Drug Court has the stats to prove it is effective.

When I see the collaboration council listserve promoting an opening for a coordinator position which lightens the load of a director of a program within the schools on yet another level of a drug health education when Drug Court is short therapists...it frustrates me when people are dying and we cannot fund the right jobs when they are needed most... the system is broken.

2. First priority for me is family first, job as an attorney with estate planning, probate.....allows me to protect other family units, very satisfying; not a litigator, so not a great speaker like our wonderful Judge Rupp but am passionate and speak from my heart., bear with me...
3. Pres of Bar Asso 2015, every Pres has their "project", mine was going to focus on veterans as a USAF brat, Research about vets taught me the DOD was spending funding on therapy to counsel vets to stem divorce rate and salvage marriages as stronger family units make for a stronger country which makes the USA stronger nationally...not to mention it saves a lot of social service money that fractured families usually need..
4. Attended 6 funerals in 6 months all resulting from opioid overdoses beginning with judge Bernard's daughter's funeral Dec 2014. Changed focus from vets to opioid crisis....realized it could happen to my kids, by the grace of God it didn't, not because I was any smarter than these parents... how many other families equally naive...hence our education program began....also introduced parents who lost their children and SOUL moms began, cover of Bethesda magazine....they are pillars of the annual National Overdose Awareness Day event in honor of those who died of opioid addiction

held at courthouse end of August each year. Big Drug Ct presence there. Effort to eliminate stigma and support each other as I never say never...

5. 33 year old daughter works at State Dept in international law enforcement, specifically drug and human trafficking, first in the middle east, now in South America...says that the USA consumes 95% of world's illicit drugs but is 5% of world population. Rest of world laughs at us and watches our drug induced self destruction with glee while they go straight to the bank with the proceeds. History repeats itself, and world powers have collapsed...we are not immune....the history of the opium wars taught the Chinese that opioids are only to be used for palliative care as the risks of addiction are too great to use for pain relief...

6. It is not just young people who are effected, I also probated estates for a 50 year old millionaire and a 75 yr old grandmother who accidentally overdosed on prescribed painkillers. I am currently handling the adoption of 4 children by an aunt and uncle of children whose father died of an overdose and the mother doesn't even object because her desire to drug is greater than her desire to care for her children. Social services, foster care and grandparents are crippled raising children of addicts those that overdosed...not to mention what will become of those born addicted or with birth defects associated with their mother's drug use....it will get worse before it gets better

7. The effect of this drug crisis is well known but if it hasn't hit home for any of you yet, it will. probably will...addiction not foreign to me as have a beautiful smart sister who is a chronic alcoholic , who has spent the last 30 years in and out of rehabs, jail and last Nov 30 stepped into traffic was hit by a car and run over by a second v\car...but survived thanks to the heroic efforts of the Dr's at Sarasota memorial at a cost of over 2 million to the State of FL . She was also a guest of Mo Co when she used to live here...had Drug Ct been around when she was here, things might be different today.

8. Drug Court the proof is quite evident, no rehabs have the same rate of success of only a 20% relapse rate? Drug Court has the best bang for your money ever!!! When a person tells me that they have a loved with an addiction problem, I ask if they have been stolen from them and if so, tell them to press charges, as the best thing they could so is get them into the drug ct diversionary program...do not get them off of their charges, get them off of their drugs!!!!

9. There are no rehab programs that keep tabs on people for 2 or more years (average is 32 months) years, nor can anyone afford them...Drug Court has the very effective hammer known as jail as a motivator to encourage participants to comply..... this is the best form of "outpatient drug treatment therapy" there could

possibly be...and the consistent tough love that Drug Court utilizes not only saves people's lives, but it keeps people clean long enough for their brains to rewire so that they want to be clean ...therefore it truly saves their lives, Drug Court has corporate sponsors who will employ them, gives them training to re connect with their families and parent properly it reuniting and saving families...and saving families relieves our many county funded systems...all of them, the courts ,the schools, etc and ultimately our country...

The best money you can spend that will not get lost in the weeds is on this program...it is small, there is no waste and it has an instant impact which can be directly proven... Judge Rupp, the other Judges and his amazing team have worked with minimal resources for over 13 years to do what they have done and we are tremendous risk of burnout as we cannot expect them to run on passion alone forever..... and if not for their passion and commitment it would not have survived and become the national model program other states strive to emulate that it is today.

Save lives of addicts, reunite families, save county funds, relieve the stress on our social programs and fund Drug Court. Please, it will be money well spent.

McMillan, Linda

From: Press Release - Montgomery County Council <MCCouncil-LIO@public.govdelivery.com>
Sent: Wednesday, October 03, 2018 2:04 PM
To: McMillan, Linda
Subject: Councilmember Sidney Katz sponsors special appropriation to fund an additional therapist for the Department of Health and Human Services

Councilmember Sidney Katz sponsors special appropriation to fund an additional therapist for the Department of Health and Human Services

Increasing capacity of the Drug Court and more intensive services needed due to surge in opioid and substance abuse

ROCKVILLE, Md., Oct. 3, 2018—The Montgomery County Council held a public hearing on October 2 to get community input on a \$70,799 appropriation to the Department of Health and Human Services for an additional therapist to increase the capacity of the Drug Court and to provide more intensive services that are needed due to the complex nature of opioid and multi-substance addiction. Councilmember Sidney Katz is the lead sponsor of the special appropriation. Councilmember Nancy Floreen is a cosponsor.

The Montgomery County Circuit Court describes the Adult Drug Court as a “comprehensive, voluntary treatment program for adult offenders suffering from drug and alcohol dependence.” Its mission is to “reduce addicted offenders’ criminal activity and thereby increase public safety by linking them with appropriate services. Success of the program is tied to the success of participants being able to sustain a crime-free and sober life.” The Adult Drug Court started in 2004.

“Montgomery County’s Adult Drug Court is one of the best programs the County has to offer,” said Councilmember Katz. “Participants are addicts who, without the support of this program, would be in jail or more likely dead. The tough love, consistent, therapeutic approach, over a very long treatment period, is the only method that has the potential of allowing the participants time to be successful on their road to recovery”

Nicholas Borowski, a witness who testified at the public hearing in support of funding an additional therapist, is a recovering addict, who abused various substances to escape his emotions and responsibilities. The Adult Drug Court “saved my life,” said Borowski. “My family expected my death and I even welcomed it,” said Borowski. “The drugs were never enough to fill the empty shell of a person I was. With the encouragement of the drug court coordinator and the state’s attorney, I decided to enter into the Drug Court Program and it changed my life.”

Borowski is now an intern at the Library of Congress and works at Second Chance Addiction Care, which is a new outpatient program in Montgomery County.

The Joint Health and Human Services and Public Safety Committee will hold a worksession October 15 to discuss Special Appropriation to the Fiscal Year 2019 Operating Budget Montgomery County Government; Department of Health and Human Services; Adult Drug Court \$70,799.