


MEMORANDUM

September 28, 2018

TO: County Council

FROM: Linda McMillan, Senior Legislative Analyst 

SUBJECT: **Public Hearing:** 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: Public Hearing for funding for an additional Therapist for the Adult Drug 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 Joint Health and Human Services and Public Safety Committee will hold a worksession October 15, 2018.

**Background**

The Joint Health and Human Services and Public Safety Committee held a worksession on the Adult Drug Court on April 20<sup>th</sup>. 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 1<sup>st</sup> and September 1<sup>st</sup> 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

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

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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.

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Megan Davey Limarzi, Esq., Clerk of the Council