

MINUTES
Treatment Court Oversight Committee
February 1, 2021

Members Present: Judge Robert Shannon, Zach Bishop, Josh Ostrowski, Mike Schultz

Members Appearing Virtually: Rob Golla, Gurdon Hamilton, Danna Hibbard, Steve Rottier, Kay Jewel, David Ray

Staff Present: Andrea Behnke and Paula Cummings, Justice Programs Department

Others Present: None

Shannon called the meeting to order at 2:30 pm in Branch II Courtroom.

1. Approval of the Minutes from the November 2, 2020 Meeting

Shannon asked for comments or edits related to the November 2, 2020 minutes and hearing none, declared the minutes approved by consensus.

2. Update on Transition from Options Lab to Cordant Health Solutions

Behnke described the transition as slow and not the best so far. As a comparison, she noted with Cordant, FedEx picks up UAs on Monday, Wednesday, and Friday, and because Cordant is in Colorado, it takes 2-3 days shipping to get there, and another 24 hours after delivery to receive results. If they find a positive test, the results take even longer; whereas, there was same day UA delivery to Options Lab. There have also been insurance issues because checks are being sent directly to Treatment Court participants for signature and not going directly to Cordant. Behnke felt the Cordant process was not as slick as advertised.

Shannon asked for clarification as to whether Cordant represented themselves differently during the bid process. Behnke replied no and noted positive test results take a day or two longer. Options Lab was much faster. Shannon replied if the service is not better and there are regular delays, the issues may have to be addressed because it is best to have UA test results as soon as possible; otherwise, we lose the immediacy of the situation.

3. COVID-19 Update:

Behnke felt addressing COVID-19 within the Treatment Court has been going decently. There have been face-to-face UAs and meetings, and participants leave the courtroom immediately after their hearing; noting this may be reconsidered because prior to COVID, participants remained in Court for all participant hearings. She further noted the Sheriff's Office has allowed Treatment Court to utilize jail up to three days for participants when necessary.

4. Forms: (Form samples included in agenda packet)

b. Release of Information Form for Entire Treatment Team

Behnke described this form would allow one Release of Information (ROI) for the entire Treatment Team vs. each member having an individual form. Shannon asked if providers will honor this ROI and if it is HIPAA compliant. Behnke replied yes to both and noted it is a Portage County form revised to fit our situation. Shannon asked the purpose of the form. Behnke said this form has been utilized from the start with participants to allow sharing of information.

Shannon asked if any Committee member had issue with the ROI form and hearing none, found acceptance of the form's use.

a. Medication Agreement

Behnke explained the form is used when a participant has a new medication to report. They fill out the form listing all medication information and must then comply with dosage/use. This allows us to know the medications being used. In addition, they must bring in the medication bottle, so the expiration date is known as well. This results in being able to determine if the medication is taken as prescribed and not held for later use. She asked members if they saw any issue with this form.

Shannon described a recent issue where a participant was positive for THC and when told, described their use of CBD, which is not a prescription. He then asked if our regulations were broad enough to include this use. Behnke replied no, CBD cannot be used under any circumstances. This is clearly outlined in the participant handbook and contract they sign with Treatment Court. Jewel stated CBD is not ordered by physicians. Hamilton said CBD is over-the-counter only and noted he would say no to changing the policy in place. Shannon felt Treatment Court may have to look at this issue and give it consideration at some point. Even though the product is sold over-the-counter, testing cannot differentiate between THC and CBD use. Shannon noted participants may have multiple health issues they treat with CBD. Currently, the Court imposes sanctions for CBD use and explains to the participant that it is a prohibited substance.

Hibbard explained the Department of Corrections (DOC) also says CBD cannot be used, and if the person is positive, it will be assumed THC use. All Treatment Court participants are DOC clients. Hibbard suggested keeping the Treatment Court handbook the same so both entities can be in alignment. Hamilton noted there are a lot of variations of formulas and sources for CBD, which are not standardized. He believes that is an issue as well. Shannon felt the issue would ultimately have to be examined more closely as CBD has been found effective for pain control in some cases. Jewel commented that some herbs and alternative medications have had impressive studies and been found effective for some pain. Shannon said Treatment Court needs to be flexible and not married to the rules, but at this time, the use of CBD is not allowed and will be considered positive for THC. Behnke reiterated that participants' contract, agreement and handbook state in bold that no CBD use is allowed. Shannon asked if these documents are signed by participants and Behnke responded that participants initial each rule. Behnke noted that non-alcohol beer, wine, etc. cannot be used as well.

As an aside, Shannon noted the status of Treatment Court participants is mixed, with half doing well and half experiencing episodic problems. One participant is heading to in-patient treatment this week. This participant had been very good over an extended period, which ended in the fall of 2020 and has had difficulty with sobriety since that time. The standard level of treatment has been unsuccessful for this person, who has agreed to in-patient treatment. This person is looking forward to in-patient and has never attended in-patient previously. Shannon described a relapse can happen when sobriety and personal issues converge.

Shannon informed members of the overdose death of our most recent participant, which happened a few weeks ago. Being the newest participant, their time with us was brief and they had faced significant challenges from the first day. Often, participants meet us through active addiction on that first appearance.

Shannon noted he and Behnke spoke to the Department of Justice (DOJ) regarding sentencing of future Treatment Court participants; adding that he had talked to our other Judges as well. The discussion involved potential conditional jail being ordered and imposed for use by Treatment Court Judges. Advice and direction from the DOJ will appear on the next Committee agenda, including a draft policy for review and consideration.

Hamilton asked who pays for a participant's in-patient treatment and where is the treatment facility. Behnke replied the facility is local through Ascension Behavioral Health and the cost is paid through the TAD Grant. She noted that MA will pay as well. Also, there is a new law/policy in place regarding MA that Ascension is not up on currently. TAD pays for room and board. There is no cost to the participant. Hamilton stated he was happy to know that.

Jewel asked if the Treatment Team debriefed the overdose death. Behnke noted there is a crisis policy in place. She noted, in the County Corporation Counsel's legal opinion, the person's name cannot be disclosed without approval of immediate family. Participants sometimes know who is deceased before members of the Treatment Team. A general grief and loss roundtable, conducted by two counselors, was held with participants. As an aside, this person's father requested no contact and no calls; with that, the name is still not being disclosed. Jewel clarified she was interested in whether an internal debrief had been held with Treatment Team members regarding any possible warning signs they had seen. Behnke responded that this participant passed within a few days of residential discharge. Shannon noted there has been no evidentiary feedback on what occurred. Jewel suggested a look-back at last encounters to talk about signs missed, the role of Treatment Court in follow-up after in-patient discharge, etc. Behnke noted the person had follow-up and found not doing well. Toxicology reports were not back yet.

Shannon asked if any Committee member had issue with the Medication Agreement and hearing none, found acceptance of the form's use.

5. Next Meeting Date is Scheduled for May 3, 2021

6. Adjourn

Meeting adjourned at 3:02 pm.

Respectfully submitted
Paula Cummings
Recording Secretary