

SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE

BILL NO. Senate Bill 922

PRINTER NO. 1762

AMOUNT

See Fiscal Impact

FUND

General Fund

DATE INTRODUCED

October 11, 2017

PRIME SPONSOR

Senator Langerholc

DESCRIPTION

Senate Bill 922 amends Titles 35 (Health and Safety), 42 (Judiciary and Judicial Procedure) and 61 (Prisons and Parole) of the Pennsylvania Consolidated Statutes, to establish the Nonnarcotic Medication Substance Use Disorder Treatment Program.

Title 35

Title 35 is amended by adding a new Chapter 52B (Nonnarcotic Medication Substance Use Disorder Treatment Program) within the Department of Drug and Alcohol Programs (department) to increase opportunities for single county authorities to provide comprehensive substance use disorder treatment to offenders through the awarding of grants.

The bill permits a single county authority to contract with an eligible provider to make available nonnarcotic medication assisted substance use disorder treatment to any offender upon whom a court imposes a sentence of confinement, intermediate punishment, an alternative sentence, probation, Accelerated Rehabilitative Disposition (ARD) or a fine. "Eligible provider" is defined as an organization or entity licensed by the Commonwealth capable of the following:

1. Assessing an offender to determine if the offender is a candidate to whom medication that prevents a relapse to drug and alcohol dependence should be administered;
2. Providing an individualized treatment plan; and
3. Administering an FDA-approved nonnarcotic medication indicated for use in treating a substance use disorder.

In order to be eligible for grant funding under the program, a single county authority is required to apply to the department, enter into a memorandum of understanding with one or more eligible providers, and meet all requirements established by the department. The bill provides an exemption to the requirement to contract with an eligible provider if the single county authority meets all of the department's requirements to provide the assessment.

Senate Bill 922 requires eligible providers to use grant funding for the following:

1. Assess each offender to determine if the offender is a candidate to be administered medication that prevents relapse to substance use dependence;

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2. Create an individualized program for each offender identified through the assessment;
3. Provide access to and administer nonnarcotic medication-assisted substance use disorder treatment when clinically appropriate;
4. If determined to not be a candidate for nonnarcotic medication-assisted substance use disorder treatment, provide recommendations to the single county authority as to what type, if any, of medication-assisted treatment may be necessary or helpful to the offender and may make a referral to another medication-assisted treatment facility that can provide the appropriate treatment;
5. Provide clinically appropriate inpatient or outpatient services; or
6. Establish a plan and timetable to collect and disseminate de-identified information to the department relating to relapses and overall effectiveness of the program.

The legislation provides for the following powers and duties of the department:

1. Establish forms for use by single county authorities and providers;
2. Establish criteria for eligible single county authorities applying for a grant;
3. Promulgate regulations to implement the program; and
4. Issue annual reports to the General Assembly on the effectiveness of the program.

Grant awards shall be at the discretion of the department and shall be limited to amounts annually appropriated to the department for the program.

Senate Bill 922 permits the department to appoint a statewide substance use treatment coordinator, to the extent that money is available, to assist in the use of medication-assisted treatment, identify sources of funding, develop model guidelines for the administration of treatment assessments, and establish procedures for monitoring the effectiveness of treatment assessments. The department may establish an interdisciplinary and interbranch advisory committee to advise and assist the coordinator.

Title 42

Title 42 is amended by adding a new § 918 (relating to court assessment for substance use disorder treatment) to permit a court of common pleas, a problem-solving court and the Municipal Court of Philadelphia to order an offender charged with a drug-related offense to be assessed by an eligible provider to determine whether medication-assisted treatment may be clinically appropriate. The court may adopt local rules consistent with this legislation relating to substance use disorder treatment assessments.

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The bill provides that an offender's failure to participate in the program when it has been deemed clinically appropriate may be considered as a probation or parole violation.

Title 42 and Title 61

Titles 42 and 61 are amended by adding a new subsection that provides for Supervisory Relationship to Offenders.

A probation or parole officer or an agent would be permitted to recommend that an offender under their supervision be assessed by an eligible provider to determine whether the use of the program may be clinically appropriate.

This act shall take effect in 60 days.

FISCAL IMPACT:

The legislation has an enactment date of 60 days. Therefore there would be no fiscal impact on Commonwealth funds in FY 2017-18.

According to the Department of Drug and Alcohol Programs, assuming full year funding in FY 2018-19, salary and benefit costs for a Drug & Alcohol Program Analyst and a Drug & Alcohol Program Representative are \$192,213. Annual operating costs are estimated at \$16,120. Grant funding for Commonwealth-wide Assessment and Treatment Programs through the single county authorities is estimated at \$3 million. Total annual costs to the department would be \$3,208,333.

This legislation simply increases opportunities for courts to provide the long-acting nonnarcotic, non-addictive medication in conjunction with comprehensive substance abuse treatment programs to defendants and will have no adverse fiscal impact to the Judiciary.

According to the Pennsylvania Department of Corrections (DOC), enactment of this legislation will have no adverse fiscal impact to the DOC.