

STATE OF NEVADA SUBSTANCE ABUSE WORKING GROUP

MINUTES OF MEETING

January 11, 2013

Office of the Attorney General
Mock Courtroom
100 N. Carson Street
Carson City, NV 89701

VIDEOCONFERENCE TO:

Office of the Attorney General
Grant Sawyer Building
Room 4500
555 E. Washington Ave.
Las Vegas, NV 89101

1. Call to order and roll call of members.

Chairperson Catherine Cortez Masto called the meeting of the Substance Abuse Working Group to order at 9:00 a.m. Senior Deputy Attorney Henna Rasul called the roll.

Members Present:

Catherine Cortez Masto, Attorney General – Chair
Kent Bitsko, Executive Director, Nevada HIDTA
David Marlon, President, Solutions Recovery
Richard Varner, Washoe Tribe Chief of Police
Katherine Bartosz, Nevada Statewide Coalition Partnership, EUDL Program
Rory Planeta, Chief, Carson City Alternative Sentencing

Members Appearing by Telephone:

Peter Mansky, M.D., Director Nevada Professionals Assistance Program

Members Absent

Kevin Gehman, Chief, Fallon Police Department
Mike Willden, Executive Director Nevada Department of Health and Human Services
Mark Jackson, Douglas County District Attorney

Others Present

Linda Fitzgerald, Executive Assistant to the Attorney General
Henna Rasul, Senior Deputy Attorney General, Office of the Attorney General
Heather Cooney, Legal Secretary II, Office of the Attorney General
Lesley Dickson, M.D., Chair of the Governor's Committee on Co-Occurring Disorders
Chris Ferrari, Consumer Healthcare Products Association

Marti Washington, Grants and Projects Analyst, Office of the Attorney General
Brett Kandt, Special Deputy Attorney General, Executive Director NVPAC
Linda Finch, MADD
Barry Lovgren, Citizen

2. Comments from the public

Chairperson Masto opened the floor for public comment.

Deputy Attorney General Marti Washington presented an update on the Drug Endangered Children Initiative.

She stated that Dexus will be launched on 2/20 -2/22. It is being piloted in Washoe, Douglas, Washoe Tribe and DPS. Colorado DEC will meeting with the records clerks to instruct them.

Ms. Washington announced that the National Drug Endangered Children's Alliance has designated April 24th as National Drug Endangered Children Awareness Day. She and is working with Allison Smith, the statewide Drug Endangered Children Coordinator to plan some activities and will be contacting the Nevada Statewide Coalition Partnership. She added she would like to have a proclamation from the Attorney General or this group to have Nevada be part of this national day.

Barry Lovgren addressed the group and stated that he is a retired state employee and part of his job was to provide substance abuse treatment for pregnant women. Mr. Lovgren stated that he revisited this issue in 2009 as a private citizen and found that the number of pregnant women receiving treatment had fallen by half since 2004 with no corresponding decrease in the in the rate of substance abuse among pregnant women. He reported the following issues

1. SAPTA failed to implement its portion of the plan for transfer from the Health Division to MHDS and consequently is largely exempt from accounting to the MHDS Commission .

2. There are no existing treatment programs or evaluation centers for DUI defendants under NRS 484C which requires the programs to be certified by the Health Division which has not occurred sin 2007.

3. Nevada has failed to publicize that SAPTA funded treatment programs offer pregnant women admission and treatment priority.

4. SAPTA's qualifications for subsidized treatment is are contained in SAPTA's sliding fee scale which isn't base on the Federal Poverty Level and thus penalizes families with increased severity as family size increases. SAPTA paradoxically requires the funded treatment programs to use this scale while at the same time requiring them to use one based on 400% of the federal poverty level.

5. SAPTA fails to conduct certification inspections, relying instead on inspections conducted by the Center for the Application of Substance Abuse Technologies resulting in erroneous certifications.

6. SAPTA has violated its own regulations by failing to adopt criteria for certification of specialty treatment for those with co-occurring disorders, issuing certifications without the adopted criteria which are state quality assurance standards.

Mr. Lovgren further stated that the Health Division has failed to conduct a public education campaign on the dangers of alcohol consumption during pregnancy and the availability of substance abuse programs for pregnant women as set forth NRS 442. He added that NRS 442 requires the School of Medicine to develop guidelines for identifying children with Fetal Alcohol Spectrum Disorders and this has not been done.

3. Approval of July 19, 2012 Minutes

Minutes were reviewed and changes were submitted. A motion to approve with changes was made by Kent Bitsko and unanimously approved.

4. Discussion to finalize a bi-annual report, required by NRS 228.820, to the Director of the Legislative Council bureau by January 15, 2013, of the Substance Abuse Working Group's findings and recommendations regarding substance abuse in Nevada, for distribution to the next regular session of the Legislation

Chairperson Masto distributed a draft 2013 report and the final Governor's 2007 Strategic Approach to Reducing Methamphetamine Use in Nevada from the Methamphetamine Working Group.

Chairperson Masto stated any contributions to this group's report should be transmitted to her Executive Assistant, Linda Fitzgerald no later than the end of business, January 14, 2013. She explained that the report would include the following sections:

1. The statutes that created the Working Group
2. An Introduction
3. Members of the Working Group
4. General Information identifying substances that are the subject of the Working Group.
5. Scope of the problem including emerging trends
6. Prevention and Education

Kent Bitsko stated there was a second drug summit on December 17th and 18th in southern Nevada with over 200 people in attendance including law enforcement, treatment/ prevention people and speakers across the spectrum. Mr. Bitsko will forward the information to Linda Fitzgerald for inclusion in the report.

David Marlon stated that in 2012 the pharmacy board scheduled the synthetic cannabinoids and cathinones and that enforcement will need to update the list on an ongoing basis. Mr. Marlon will put something in writing and forward it to Linda Fitzgerald. Mr. Marlon added that in 2012 several states addressed marijuana and Nevada should do the same.

Kathy Bartoz stated that the last report addressed this topic and that most of the information was coming from the focus groups and sub-committees that were formed around treatment, law enforcement and prevention.

Kathy Bartosz directed the group's attention to the Executive Summary Chart that had been distributed with the 2007 report. She suggested that to create a seamless transition from one report to the next that they start with the Executive Summary Chart to see what unfinished business remained that warrants continuing action and issues that have emerged since 2007 that will need to be addressed.

The group addressed each item on the Executive Summary Chart in order as follows:

A. ACTION/ACCOUNTABILITY

1. Drug Endangered Children

Marti Washington stated she would have her information on this topic to Linda Fitzgerald by the end of the day.

2. Law Enforcement

A. Create collaborative agreements between tribal, local and state law enforcement.

Richard Varner stated the Washoe Tribe has agreements with Douglas County and Carson City regarding drug enforcement and other tribes are trying to do the same.

Kathy Bartoz added that Kevin Furlong of Carson City has been approached by other tribes for the same purpose.

B. Broaden information sharing systems to maximize enforcement efficiency.

Kent Bitsko stated they are opening a statewide de-confliction center that would also be an intelligence sharing system.

C. Address inconsistencies in criminal justice proceedings: This issue needs further study.

D. Review law enforcement training needs.

Kent Bitsko reported that several hundred officers have been trained both in the north and the south and he will get the exact numbers to Linda Fitzgerald.

E. Review support of law enforcement in schools: This issue needs further study.

F. Continue and enhance the use of investigative canines.

Kent Bitsko stated that there is a much improved relationship between the various agencies working together to streamline the training of the dogs. He added that the training is being handled on a regional basis so all of the northern agencies are being trained together in keeping with their specific needs as is Southern Nevada .

Richard Varner reported that several tribes now have canines including the Washoe tribe.

3. Prevention

A. Create web-based prevention sites to disseminate substance abuse information.

Kathy Bartosz reported that most of the coalition has developed websites over the last two years.

B. Disseminate coalition strategic plans to community at large.

Kathy Bartosz stated every coalition is required to have a community corrections prevention plan that can go on their websites.

C. Establish protocols among state agencies related to funding streams: This issue needs further study.

D. Define the role of faith-based communities in the prevention process.

Kathy Bartosz reported the issue of defining the role of faith-based communities in the prevention process is being handled on a community by community basis

David Marlon added that the Celebrate Recovery groups have grown dramatically in Clark County.

E. Review current school-based communities in the prevention process.

Kathy Bartosz commented on the removal of the DARE program in Clark County. She added that DARE is handled on a district by district basis and some districts are continuing the DARE program and some are not. Ms. Bartosz stated there is a K-12 mandate by the U.S. Department of Education that is being implemented on a variety of levels across different districts but each coalition is networked in with that.

F. Encouraging and expanding sector involvement in the community based process.

Kathy Bartosz reported that this is occurring and that the drug summit had a number of new sectors that attended.

G. Streamlining data sources.

Kathy Bartosz stated that the Enforcing Underage Drinking Laws Project has contracted with an individual to gather alcohol related and other drug related information in terms of impact from traffic safety, medical facilities and treatment programs.

Marti Washington added that Nevada Alliance for Drug Endangered Children website is up and primarily funded by the Statewide Coalition. All of their websites are linked to it and it has a list of the statewide members of the Alliance.

4. Treatment

A. The following issues need further study: SAMHSA discretionary funding allocation formula; support parity between private and public health insurance.

B. Addressing co-occurring disorders.

Dr. Leslie Dixon suggested the group bring in Ron Lawrence from Community Counseling as he has developed a program. David Marlon added that Mr. Lawrence is already involved through a three-way partnership with Solutions Recovery.

Kathy Bartosz stated that Richard Whitley, administrator of the combined mental health and health divisions, has made addressing co-occurring disorders a priority for the whole treatment spectrum. She added that Mr. Whitley is looking at enhancing the SAPTA treatment programs so that they can handle patients who are mentally ill concurrently.

Rory Planeta added that mental health courts should be considered as not every jurisdiction has one which is an example of the inconsistencies in the criminal justice proceeding.

Kathy Bartosz stated Richard Whitley is looking at the success of combining the courts with treatment. She added that his lead researcher is pulling together the success rates of parents who go through the families first drug dependency court and reunification with their children compared to families that don't and it is looking like the data is coming back very favorably in terms of the state supporting these specialty courts.

Rory Planeta suggested the group might want to look at specialty courts in general as there are drug courts, DUI courts, homeless courts, mental health courts, veteran's courts. A lot of them are based on drug use and abuse.

Barry Lovgren stated mental health, under Mr. Whitley's administration has adopted a policy that all of the mental health treatment facilities under the State of Nevada offer co-occurring treatment to the mental health patients.

Dr. Dixon added that Medicaid will not reimburse for substance abuse treatment so obtaining substance abuse treatment for the mentally ill patient is difficult.

D. Support “no wrong door” policy.

David Marlon explained the idea was that any facility would perform triage on an incoming patient, regardless of their particular need, and direct them to the appropriate treatment facility.

E. Create system for portability of substance abuse certification.

David Marlon stated that Nevada does not work very well with other states in transferring licensure making it difficult to recruit from out of state and explained that applicants must complete 3000 hours and then apply rather than being able to simply transfer their license.

F. Expand substance abuse class availability.

Kathy Bartosz stated this was in reference to professionals going into the field i.e., extend classes into other related professions within higher education; explore the adoption of substance abuse treatment curriculum within medical residency rotations, strongly recommend classes in substance abuse science in terms of being infused with related fields such as social work, school law enforcement and criminal justice.

G. Develop an effective and accessible intervention services system: Needs further study.

B. BUDGET/FISCAL

1. Drug Endangered Children

A. Executively Fund a DEC Alliance.

Marti Washington reported that this was initially funded with a Justice Assistance Grant but the funds run out at the end of January, 2013. There are settlement funds that will last through June. She stated she is applying for a Justice Assistance grant and will know the outcome by July. Ms. Washington added that there needs to be a sustainability plan to keep the effort going. She stated that the amount needed is \$90,000 annually.

2. Law Enforcement

A. Develop funding request for PHARM-Net Task Force

Kent Bitsko reported the task force is fully funded with participants from DEA, the State, Las Vegas Metro and Henderson Police Department in the south.

B. Assess funding needs for prosecutorial staff and training in rural areas: This issue needs further study.

3. Prevention

A. Replace lost federal prevention dollars: This issue needs further study.

B. Fund evidence-based programs, practices and strategies.

Kathy Bartosz reported that everything they do is vetted through that process now.

C. Increase state and private support for community-based coalition projects.

Kathy Bartosz stated that this has not occurred at the state level due to budgetary issues but in the private sector each coalition has had varying degrees of success.

4. Treatment

A. Replace lost federal funds for JPO prevention and treatment services.

Kathy Bartosz reported they took a huge hit in their Title V funding and lost a significant amount of their prevention and intervention services.

B. The following issues need further study: evaluate caseload growth formulas; evaluate financial "forgiveness" for substance abuse counselors and students; separate and fund an Intervention Services category.

C. FURTHER STUDY

1. Law Enforcement

A. Study the current NV HIDTA and make recommendations for improvement, including the enhancement of the multi-agency intelligence network.

Dave Marlon reported that they currently have an ISC that is staffed by 12 analysts from Las Vegas Metro, DEA, FBI, and ICE who are fully cooperative and provide intel support to all of the law enforcement personnel. He added there are also two people in the north that are based in the DEA office. Mr. Marlon also stated that on February 4th they will be standing up a watch center in partnership with Rocky Mountain Information Network and Western States Information Network and we will become part of their intelligence network.

2. Prevention

A. Study prevention workforce development: This issue needs further study.

3. Treatment

A. The following issues need further study: study Employee Assistance Program cost effectiveness; explore the expansion of funding streams that address substance abuse and mental health treatment needs.

B. Review and improve treatment continuum.

Dr. Dixon stated that she would be recommending peer support services and noted that it is problematic that we do not have certification within the state for people outside the state mental health system.

D. Extending services for drug involved jail inmates.

Kathy Bartosz stated that Richard Whitley is working on a model and has implemented it in Washoe County and replicating it in Carson City wherein inmates get an evaluation in the jail and if there is a substance abuse involvement issue or mental health issue they are hand walked through the process to the door of the treatment. She added that it would be beneficial to continue to study that model.

E. Study access to treatment services for pregnant and drug dependent parents.

Kathy Bartosz commented that with the information provided today by Barry Lovgren, the group might want to move this up on the priority list along with the FASD component.

Barry Lovgren responded that it is the federal law attached to the subsidies block grant that requires that the state publicize the availability of treatment and admission priority to pregnant women and with regard to state law, it is SAFTA regulations that require that programs be funded and certified according to division certification criteria and that law is being violated.

Mr. Lovgren further stated that with regard to Fetal Alcohol Spectrum Disorders, state law requires that the Health Division to conduct a public education campaign on the dangers of pregnant women drinking during pregnancy and how they can obtain substance abuse treatment, which is not being done.

Mr. Lovgren added that it also requires the University of Nevada, School of Medicine to develop guidelines for providers of health care and other services to identify children who suffer from Fetal Alcohol Spectrum Disorders so that they can be referred for services and the School of Medicine has not complied with that law.

Mr. Lovgren stated that the statutory definition of Fetal Alcohol Spectrum Disorder is a broad definition and includes all alcohol related birth defects.

G. Study the assessment and treatment of youth entering the juvenile justice system.

Chairperson Masto advised there is another working group on this issue that is a State Supreme Court committee put together to study our juvenile justice system and the treatment of youth. Chairperson Masto suggested this issue be referred to that group as they are looking at some new legislation and recommendations that they will be presenting to the Governor during this legislative session.

H. The following issues need further study: develop plan for equal access to service for rural communities; develop retention strategies for substance abuse counselors; expand substance abuse training within the higher education system.

Kent Bitsko added that there is a program out of _____ where an analyst and a detective and go to high schools and junior high schools and talk about substance abuse.

Chairperson Masto stated that topics the group had talked about last year that are new items should be added to this list.

Kent Bitsko announced in December one of their HIDTA task forces received a HIDTA award presented by Drug Czar Gil Kerlikowske, in Washington D.C., for the best task force investigation in the country. The group is made up of DEA, Las Vegas Metro, Henderson Police and North Las Vegas Police. The group seized 480 lbs. of methamphetamine and 60,000 marijuana plants in the course of a little more than a year resulting in numerous arrests.

Rory Planeta stated that with Colorado and Washington passing their new marijuana recreational use legislation that we need to include a stand on this issue in the report. He added that the group needs to deal with the mindset that marijuana is "not a big deal."

Kathy Bartosz stated that between this biennial session and the next the group will have two years to gather information on the actual impact of this legislation and suggested it would be prudent of this group to say that we would not be in support of any bill legalizing recreational use of marijuana until we have a chance to see the fallout from Colorado and Washington. This will give the group an opportunity to acquire real data and buy some time to formulate how this could impact within our state.

Kent Bitsko responded that he did not believe that the media will publish any real data because they come down for the most part in support of legalization. He supports the idea of making a stand against the any further legalization of marijuana use in Nevada.

_____ There are two BDR's that are already drafted to address either dispensaries or the legal acquiring of marijuana for people with a medical marijuana card and this group will need to weigh in on them. _____ will draft something open ended to send to Linda for the group to review.

Chairperson Masto stated that the Working Group and the Group's Legislative Sub-Committee will be taking a position on these BDR's at a later date after the Legislature is in session and there has been time to review them. She added that we need to include in the report that which we've already discussed and reviewed.

Dave Marlon stated that in Kent's report we stated that it is getting more potent and in Kathy and Mike Willard's report that use is increasing so those facts could be included in this report.

Chairperson Masto stated that those facts could be included with the language on page 11 of the draft and so that they know we have looked at this issue. She added that the group should meet again by the end of January or beginning of February as it will be necessary to look at the language in these bills. Chairperson Masto stated she would like to see the legislative subcommittee vet these bills and then bringing their recommendations to the full working group.

Bret Kandt stated that there is one development in Nevada laws regarding medical marijuana that occurred during the past year that the group may want to reference in your report. Mr. Kandt explained that a Clark County district court judge ruled certain parts of NRS 453A dealing with prohibitions and affirmative defenses unconstitutional which has set in motion the issue of what legislative action is necessary to address that and implement the constitutional requirement in a lawful manner. Mr. Kandt offered to provide some language that references that event for the report.

Mr. Lovgren provided a written copy of his earlier comments and his contact info.

Dr. Dixon stated that she wanted to add one thing that would be in her report, an outpatient commitment log so that we would have the ability to keep people with serious mental illness and co-occurring disorders in treatment rather than in and out of jails, prisons and hospitals. She stated they have been working with the Attorney General's Office, with Judge Voy and Assemblyman Stuart who will be introducing the bill. She stated that she will need support for this bill when it comes up.

Chief Planeta asked whether any action had been taken on Mark Jackson's motion at the last meeting to inform an impaired judgment sub-committee as he would volunteer to participate.

Chairperson Masto advised that the sub-committee was created. It will be determined at the next meeting who will chair the sub-committee and they will then identify members.

5. Discussion and scheduling of future meetings and agenda items

Chairperson Masto stated that the next meeting will be on the heels of the legislative sub-committee meeting, hopefully by February 1, 2013.

6. Comments from the Working Group

No additional comments.

7. Comments from the Public

Linda Fitch commented that she hoped they could get the sub-committee on impaired driving up and running.

8. Adjournment

Meeting was adjourned at 10:30 a.m.

