

SB 91-SB 74

Integration Initiative

Examining the intersection and integration of key components of criminal justice reform and Medicaid/behavioral health redesign and reform.

Where do SB 91 and SB 74 meet?

Last year major change occurred in two different but closely aligned areas in Alaska: Medicaid/health & behavioral health reform & criminal justice reform.

This initiative will analyze and promote the integration of two significant pieces of legislation related to these areas of change:

- leverage pieces of each reform process to enhance and strengthen health and social service outcomes for all Alaskan's impacted by criminal justice involvement;
- establish clear processes, priorities and systems of care to create long-term health and wellness for individuals returning to their communities following a period of incarceration;
- explore ways to increase primary care and behavioral health care within our correctional institutions, through better partnerships with community-based non-profit, tribal and faith-based organizations that can provide services, through in-reach programming to inmates' still incarcerated and nearing release.

Six (6) Initiative Focus Areas:

- **Medicaid enrollment for all eligible justice-involved individuals leaving DOC institutions** (released, furlough, electronic monitoring, probation/parole) and juveniles in the custody of DJJ. SB 91's intent is that all DOC releasing individuals will be enrolled in Medicaid (if eligible) 90-days prior to release;
- **Enhance and expand community reentry coalitions, institutional in-reach programs, reentry planning and coordination with medical, behavioral health services including updated Offender Management Plans (OMPs) and other support services such as housing, education, employment, public assistance, family support and senior-specific services for aging reentrants;**

Focus Areas (continued)

- **Expand services, programming and strategies to focus on needs of individuals who are charged or convicted but not incarcerated** and to identify possible alternative sentencing options (such as needed behavioral health treatment), reducing unnecessary incarceration and more appropriate placement to increase successful return to community reentry and a reduction in recidivism;
- **Coordinate and align with the work of the Alaska Criminal Justice Commission's work on improving Title 12 (insanity and competency to stand trial) and Title 47 (involuntary admission for treatment and protection from self-harm or harm to others) and how it relates to use of state treatment and commitment resources;**

Focus Areas (continued)

- **Enhance and focus Alcohol Safety Action Programming (ASAP) screening & monitoring** specifically for those individuals with alcohol-related driving arrests, including new screening tools & training in use of new tools to improve outcomes for ASAP-referred individuals;
- **Enhance, expand and evaluate Alaska's alcohol and drug monitoring programming** to increase successful alternatives to incarceration, through accessible, consistent and immediate monitoring of alcohol and drug usage, following substance-involved arrests.

Key areas where SB 91 impacts the work of DHSS

- Amends criminal statute to expand the crime of Misconduct Involving a Controlled Substance attempt to **differentiate between low and high-level drug dealers**. These changes apply to juveniles, referred to the Division of Juvenile Justice (DJJ);
- Amends criminal statute to downgrade certain criminal offenses into violations. Juveniles cited for these offenses would not be referred to DJJ;
- Directs the court system to accept an affirmative defense to the crime of prostitution, if the person can prove they were the victim of sex trafficking at the time of the prostitution charge;
- Creates opportunities for **compliance with treatment plans to be an incentive to reduced sentences**, including imprisonment, fine or license revocation;
- Creates the recidivism reduction fund in the general fund, supported by marijuana tax revenue, to fund recidivism programs in the departments of Corrections, Health and Social Services, and Public Safety;

Key impacts of SB 91 on DHSS

- **SB 91 removes the lifetime ban on food stamps for individuals with felony drug convictions**, if conditions related to substance use treatment, recovery and rehabilitation are demonstrated. Prior to SB91, Alaska was one of seven states that continued to maintain this ban, a ban that greatly impedes the successfully reentry back into community life for former inmates;
- **Alaska's Alcohol Safety Action Program (ASAP) will develop more focused regulations regarding program court referrals specifically related to alcohol/drug violations related to operating a motorized vehicle, refusal to submit to chemical testing and violating terms of probation related to substance use.** This narrowing of who is referred to ASAP, will allow ASAP Probation Officers to provide better screening for substance use dependency and criminogenic tendencies, targeted referral for needed services, and more rigorous monitoring of individuals engaged with ASAP;
- **Strengthens the regulations and process for programs that have, as a primary focus, rehabilitation and reduction of recidivism, especially as it relates to alcohol and drug addiction; including programs that use daily or twice daily substance testing such as the 24/7 programs;**

Key impacts of SB 91 on DHSS

- DHSS is required to **increase access to evidence-base rehabilitation programs including drug and alcohol treatment, mental health and cognitive behavioral programs;**
- **Supports offenders' transition and reentry from correctional facilities to the community,** including transitional housing services, employment services, vocational training, counseling and medical care;
- Increased focus on the need to **engage prisoners before release,** to ensure those who are eligible, are **enrolled in Medicaid** and other available public assistance programs upon release;
- Encourages **increased partnerships** between DOC, DHSS and community service agencies to provide “in-reach” programming, consultation and support.

Action step updates (as of 11-14-16)

- Health Care Services, Public Assistance and the Commissioner's Office are working in partnership with the Dept. of Corrections to establish protocols, practices and guidelines for expanding the number of justice involved individuals who enroll in and become eligible for Medicaid;
- DHSS in partnership with the Alaska Primary Care Association, DOC, and community reentry coalitions we are working to develop a cadre of Medicaid enrollment counselors and navigators. This partnership will greatly increase the ability to enroll justice involved individuals, to provide health literacy training as part of enrollment, and to provide a mechanism for tracking the number of new enrollees who have been involved with the criminal justice system;

Action step updates (continued)

- Public Assistance has revised its protocol and processes to implement the removal of the lifetime ban on food stamps for individuals with felony drug convictions. Prior to the passage of SB 91 Alaska was one of seven states that continued to maintain this ban—now those individuals with felony drug convictions who have met the time and treatment requirements are eligible to receive food stamps when needed;
- The Division of Behavioral Health received **\$1.0 million in SB 91 funding, to support, enhance and expand the states community reentry centers and community reentry coalitions.** Funding will be awarded through a competitive RFP for community reentry coalitions: currently active reentry coalitions in Anchorage, Fairbanks, Mat-Su and Juneau; one developing coalition serving the Kenai Peninsula, four (4) additional communities targeted to develop reentry coalitions in Bethel, Nome and Ketchikan and Dillingham. Proposals are due November 15.

Action step updates (continued)

- A competitive RFP for a data system to support alcohol & drug testing services was released in August; a PEC and system demonstrations were held in late August/early September. The notice of intent to award was issued, and a protest was received. The protest was denied, and then an appeal was received. The appeal has gone to the Office of Administrative Hearings with the first hearing scheduled in January. However, the state made the decision to move forward with awarding the contract to BI, a subsidiary of the GEO Group.
- A second competitive RFP was released soliciting testing providers of alcohol & drug testing services (related to the data system solicitation above). Proposals were originally due August 26, but since the testing providers must use the above data system and that contract had not yet been awarded, the proposal deadline was extended and proposals are now due on November 28. Following review, contract awards will occur shortly thereafter.

Action step updates (continued)

- Behavioral health redesign and reform (another SB 74 initiative) will work to improve access, quality and cost of substance use disorder and mental health conditions, with a special emphasis on making behavioral health services more available and targeted to justice involved individuals living and working in our communities. Quality behavioral health services can help reduce recidivism and prevent first-time offenders going into a correctional institution. The 1115 BH Medicaid Waiver concept paper is expected to be submitted in December 2016, with the full application being submitted to CMS in July 2017.

Next steps ...

- The SB 91-SB 74 Initiative Workgroup will continue to meet monthly to monitor, track and assist in moving work tasks forward. The Workgroup meeting the last Monday of each month from 3:00-4:30 p.m. The public is invited to attend meetings, but public comment and input will be limited to allow the Workgroup to conduct their business. Each meeting is posted on the Public Notice site with information for joining the meeting.
- Written input, suggestions and comments are welcome and can be sent to l.casto@alaska.gov for sharing with the Workgroup membership.
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