

## Section 35 Commission

### Meeting Minutes

April 25, 2019

3:00-5:00 pm

Date of meeting: Thursday, April 25, 2019

Start time: 3:05 pm

End time: 5:10 pm

Location: McCormack Building, One Ashburton Place, 21st floor, Boston, MA 02108

Members present		Vote 1*	Vote 2
1	<b>Marylou Sudders</b> – EOHHS (Chair)	A	X
2	<b>Ruth Balser</b> – MA House of Representatives	-	X
3	<b>Kristin Beville</b> – McLean Hospital	X	X
4	<b>Monica Bharel, MD, MPH</b> – Department of Public Health	X	X
5	<b>William Brownsberger</b> – MA Senate	X	X
6	<b>Paula Carey</b> – Trial Court	X	X
7	<b>Alain Chaoui, MD</b> – Massachusetts Medical Society	-	X
8	<b>Nancy Connolly, PsyD</b> – Department of Mental Health	X	X
9	<b>Vic DiGravio</b> – Association for Behavioral Health	X	X
10	<b>Michael J. Finn</b> – MA House of Representatives	X	X
11	<b>Marcia Fowler</b> – Bournewood Health Systems	X	X
12	<b>Maryanne Frangules</b> – MOAR	X	X
13	<b>Richard G. Frank, PhD</b> – Harvard Medical School	X	X
14	<b>Cindy Friedman</b> – MA Senate	X	X
15	<b>Neal S. Hovey</b> – Topsfield Police	X	X
16	<b>Carrie Jochelson PMHCNS-BC</b> – MAAPPN	X	X
17	<b>Todd Kerensky, MD</b> – Spectrum Health	X	X
18	<b>Mark Larsen</b> – Committee for Public Counsel Services	X	X
19	<b>David Munson, MD</b> – Boston Health Care for the Homeless Program	X	X
20	<b>David Podell, PhD</b> – MassBay Community College	X	X
21	<b>John Rosenthal</b> – PAARI	X	X
22	<b>Jessie Rossman</b> – ACLU of Massachusetts	X	X
23	<b>Sabrina Selk, ScM, ScD</b> – Office of Health Equity, DPH	X	X
24	<b>Leigh Simons Youmans</b> – Massachusetts Health & Hospital Association	X	X
25	<b>David G. Stewart, PhD, ABPP</b> – Cambridge Health Alliance	A	X
<b>Members calling in</b>			
27	<b>Leo Beletsky, JD, MPH</b> – Northeastern University	X	X
28	<b>Carol Mallia, RN, MSN</b> – Massachusetts Nurses Association	X	X
<b>Members not in attendance</b>			
28	<b>Mark Green, MD</b> – Psych Garden	-	-
29	<b>Scott Weiner, MD, MPH</b> – Mass. College of Emergency Physicians	-	-

\* (X) Voted in favor; (O) Opposed; (A) Abstained from vote; (-) Absent from meeting or during vote

## **Proceedings**

Secretary Sudders called the meeting to order at 3:05 pm. She noted that two of the Commission members would be participating remotely and all votes taken during the meeting would be conducted via roll call.

**Vote 1 to approve the minutes:** Secretary Sudders requested a motion to approve the minutes from the Commission's previous meeting on February 28, 2019. Senator Friedman introduced the motion, which was seconded by Chief Justice Carey and approved by roll-call vote; Mr. Beletsky and Ms. Mallia indicated their votes in the affirmative over the phone (see detailed record of vote above).

Sheriff Nicholas Cocchi introduced the panelists joining him from the Hampden County Sheriff's Department (HCSD): Sally Johnson Van Wright, Assistant Superintendent/Director of After Care Support Services; Elizabeth Hanna, Assistant Deputy Superintendent/Director of Classification; Anthony Scibelli, Assistant Superintendent/Director of Western Massachusetts Regional Recovery and Wellness Center; and Thomas Foye, Substance Abuse Educator. Sheriff Cocchi began the presentation with an overview of the Stonybrook Stabilization and Treatment Centers (SSTC) located in Ludlow and Springfield. He described the facility's philosophy, capacity, staffing model, and treatment services. For additional details, refer to the [PowerPoint presentation](#) and [materials](#) posted online to the [Section 35 Commission's Meeting Materials webpage](#). A link to the video shown as part of Sheriff Cocchi's presentation is available [here](#).

At 3:10 pm, Representative Balser joined the meeting.

Ms. Johnson Van Wright provided an overview of the SSTC's step down model and continuum of care, which includes tiered levels of care based on clients' progression from acute detoxification services towards clinical stabilization and aftercare. She stated that the SSTC promotes a culture of recovery that prioritizes strong linkages to community programming.

At 3:15 pm, Dr. Chaoui joined the meeting.

Mr. Foye explained SSTC's case management approach, which includes referrals to aftercare services and close involvement of clients' families. He highlighted that SSTC staff work with clients with outstanding court cases, known as "dual status" commitments, to help resolve their legal issues when possible. Mr. Scibelli provided an overview of the wraparound services offered to clients at the SSTC facility located at the Western Massachusetts Recovery and Wellness Center in Springfield.

In response to a question from Secretary Sudders, Ms. Johnson Van Wright confirmed that of the 625 Section 35 commitments that have been treated at SSTC, 112 were dual status commitments.

Ms. Fowler noted that she was impressed by the SSTC programs during her recent visit, particularly the number of facility staff with lived experience and the program's linkages to community addiction treatment and recovery programs.

In response to questions from Ms. Frangules and Ms. Jochelson, Sheriff Cocchi stated that the staff in the Section 35 commitment unit were distinct from the SSTC-Ludlow facility's correctional officers working with the non-civilly committed population. He noted that the SSTC does not have a waiting list and in the 11 months the SSTC has been in operation, 21 clients have returned for a second commitment at SSTC. He stated that the average length of stay for clients is 49 days, but is dependent on each individual's course of treatment.

In response to questions from Professor Beletsky about medication-assisted treatment (MAT) options available at the SSTC, Sheriff Cocchi stated that, to date, 93 clients have been initiated on MAT, 103 naltrexone injections have been administered, 11 clients have received oral naltrexone, and 5 clients have

had follow-up appointments for discharge planning on methadone following their commitment. He added that the SSTC is one of seven sheriff's departments in Massachusetts that will be participating in a two-year pilot program starting in September 2019 to provide access to methadone for clients at the Hampden County correctional facility. He stated that the facility will be a licensed, opioid treatment program (OTP) with the ability to provide MAT for inmates diagnosed with an opioid use disorder.

Ms. Johnson Van Wright and Ms. Hanna stated that as part of discharge planning, SSTC staff arrange for medical and mental health appointments for clients and clients are provided with naloxone as well as education on its use.

In response to questions from Ms. Jochelson and Representative Balser regarding the SSTC's funding, Sheriff Cocchi stated that funding for the programs was secured through cost-saving measures from his existing budget. He stated that 87 percent of inmates enter the HCSD facilities with some level of substance use and the role of his department has expanded over time to helping prevent substance use in communities. Sheriff Cocchi noted that mental health and substance use treatment services are provided for inmates, but more comprehensive, "wraparound" services are available for Section 35 commitments.

Representative Finn commented that no treatment beds were presently available for female civil commitments in western Massachusetts and expressed concern for the impact on public health services should the SSTC programs end.

In response to questions from Senator Friedman, Sheriff Cocchi stated that clients' initial detoxification occurs at the SSTC facility in Ludlow, which is located within the Hampden County House of Correction, but that no incidental contact with the facility's incarcerated population or correctional officers occurs. He stated that the SSTC programs are not licensed by the Department of Public Health, but he would welcome further discussions with DPH to offer treatment services to non-civilly committed clients.

In response to a request from Dr. Kerensky, Ms. Johnson Van Wright noted that the materials provided to the Commission contained research briefs that reference specific studies comparing outcomes for voluntary versus court-mandated treatment for substance use disorder. Sheriff Cocchi noted that clients' attitudes frequently shift from a resistance to treatment during the initial phase of their commitment towards acceptance and inclusion of services, frequently around the 45-day mark.

In response to questions from Mr. Larsen, Sheriff Cocchi noted that the required assessments of clients are conducted by case managers and clinical directors at multiple points during their commitments (30, 45, 60, 75 days). Sheriff Cocchi explained that clients are not required to commit to further treatment as a condition of their release; they are free to leave once they have been clinically stabilized. He noted that 90 percent of clients elected to be discharged to their families or to community-based treatment programs.

In response to a question from Mr. DiGravio regarding the conditions under which a client would be discharged from SSTC to the Massachusetts Alcohol and Substance Abuse Center (MASAC), Sheriff Cocchi explained that clients who were dual status commitments may be brought to the SSTC in Ludlow for detoxification and transferred back to MASAC upon completion of their clinical treatment.

In response to questions from Ms. Rossman about visitation and phone call privileges, Sheriff Cocchi stated that clients have access to the phone and that accommodations may be made for clients who prefer not to be identified as calling from within a treatment facility. He noted that accommodations have also been made for clients to attend to family matters such as a funeral. Mr. Scibelli explained that visits to the facilities are permitted on Sundays and follow standard visitation protocols.

In response to a question from Secretary Sudders, Sheriff Cocchi explained that the HCSD has not received funding from the Executive Office of Public Safety and Security (EOPSS) or the Department of Corrections (DOC) for the Section 35 program.

Representative Balser requested that the Commission discuss options for treatment services for residents of western Massachusetts at a future meeting.

Secretary Sudders thanked the panelists and invited Teri St. Pierre, LMHC, Program Director, and Rasim Arikan, MD, PhD, Medical Director, from the Women's Recovery from Addictions Program (WRAP) to present. Ms. St. Pierre provided an overview of the facility's staffing, alcohol and substance use disorder treatment programs, and aftercare services provided by WRAP staff that are available to Section 35 clients following discharge. Dr. Arikan presented on the MAT options available at the WRAP and the process for assessing which option is best suited to each individual client. For additional details, refer to the [PowerPoint presentation](#) posted online to the Section 35 Commission's Meeting Materials webpage.

Secretary Sudders noted that the WRAP is located on the grounds of Taunton State Hospital and only accepts civil commitments, not dual status commitments. In response to questions from Ms. Rossman and Representative Balser regarding the establishment of the WRAP, Secretary Sudders offered to share documents that provide additional information on the process of opening of the WRAP as an alternative to MCI-Framingham.

Ms. St. Pierre stated that the WRAP's aftercare services are delivered by Department of Mental Health (DMH) employees who provide weekly video conferencing and on-site counseling. She noted that WRAP aftercare staff arrange for medical and mental health appointments for clients and maintain a high level of engagement with clients following their discharge to ensure clients receive continued recovery support.

In response to questions from Ms. Simons Youmans and Dr. Munson, Ms. St. Pierre noted that the increase in clients' average length of stay from FY2018 to FY2019 was not attributable to any one particular factor, as client experiences at the WRAP and in recovery programs are very individualized. Dr. Arikan noted that substance use disorders are chronic and readmissions to the program are expected. He noted that when clients return to the program, staff review clients' treatment plans and make adaptations to improve the experience each time.

At 4:30 pm, Chief Justice Carey left the room.

Secretary Sudders thanked Ms. St. Pierre and Dr. Arikan and invited the legal representation panel to present.

Mark Larsen, Director of the Mental Health Litigation Division of the Committee for Public Counsel Services (CPCS), and CPCS staff attorneys Ann Grant and Jessica Gallagher, provided an overview of CPCS's work representing clients during Section 35 commitment hearings. Ms. Gallagher and Ms. Grant described the court procedures for a typical Section 35 hearing and highlighted some of the challenges public defenders face representing Section 35 clients, which included limited access to clients' medical records, short timeframes for preparation of clients' legal defense, and less stringent rules of evidence compared with those applied in criminal cases. Mr. Larsen stated that attorneys' access to dual status clients committed at MASAC can be challenging, as well as the process for obtaining clients' records for court proceedings to present as evidence of clients' progress while committed under Section 35. For additional details, refer to the [PowerPoint presentation](#) posted online to the Section 35 Commission's Meeting Materials webpage.

Secretary Sudders thanked the panelists and noted that her staff would be emailing the Commission members to solicit their feedback on the Commission's remaining two meetings.

**Vote 2 to adjourn the meeting:** Secretary Sudders requested a motion to adjourn the meeting. Representative Balser introduced the motion, which was seconded and approved unanimously by roll-call vote; Mr. Beletsky and Ms. Mallia indicated their votes in the affirmative over the phone (see detailed record of vote above).

The meeting was adjourned at 5:10 pm.