

Section 35 Commission

Meeting Minutes
December 6, 2018
3:00-5:00 pm

Date of meeting: Thursday, December 6, 2018

Start time: 3:05 pm

End time: 5:00 pm

Location: Massachusetts Health Policy Commission, 50 Milk Street, 8th Floor, Boston, MA 02109

Members in attendance	Vote 1*	Vote 2	Vote 3
Marylou Sudders – Executive Office of Health and Human Services (Chair)	x	x	x
Michael J. Finn – Massachusetts House of Representatives	x	x	x
Ruth Balsler – Massachusetts House of Representatives	x	x	x
Anne Johnson Landry – Designee of Senator Brownsberger	x	x	x
David Podell, PhD – MassBay Community College	x	x	x
Richard G. Frank, PhD – Harvard Medical School	-	-	x
Rosemary Minehan – Trial Court	x	x	x
Neal S. Hovey – Topsfield Police Department	x	x	x
Jennifer Barrelle – Designee of Commissioner Bharel	x	x	x
Nancy Connolly, PsyD – Department of Mental Health	x	x	x
Sabrina Selk – Office of Health Equity	x	x	x
Maryanne Frangules – Massachusetts Organization for Addiction Recovery	x	x	x
David Munson, MD – Boston Healthcare for the Homeless Program	x	x	x
Carol Mallia, RN, MSN – Massachusetts Nurses Association	x	x	x
Leo Beletsky, JD, MPH – Northeastern University	x	x	-
Carrie Jochelson, PMHCNS-BC – Massachusetts Association of Advanced Practice Psychiatric Nurses	x	x	x
Kristin Beville – National Association of Social Work	x	x	x
Jessie Rossman – American Civil Liberties Union of Massachusetts	x	x	x
Mark Larsen – Committee for Public Counsel Services	x	x	x
Leigh Simons Youmans – Massachusetts Health & Hospital Association	x	x	x
Vicker V. DiGravio III – Association for Behavioral Healthcare	x	x	x
Members participating remotely			
Todd Kerensky, MD – Massachusetts Society of Addiction Medicine	-	-	x
Members absent			
Alain Chaoui, MD – Massachusetts Medical Society	-	-	-
Cindy Friedman – Massachusetts State Senate	-	-	-
John E. Rosenthal – Police Assisted Addiction and Recovery Initiative	-	-	-
David Stewart, MD – Massachusetts Psychological Association	-	-	-
Scott Weiner, MD – Massachusetts College of Emergency Physicians	-	-	-
Mark Green, MD – Massachusetts Psychiatric Society	-	-	-
Marcia Fowler – Massachusetts Association of Behavioral Health Systems	-	-	-

* (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 announced that members of the media were in attendance and had indicated that they would not be recording the afternoon's proceedings out of respect for the panelists' privacy. Secretary Sudders explained that two of the Commission members would be participating remotely and all votes taken during the meeting would need to be conducted by roll call.

Secretary Sudders asked members of the Commission whether they had any feedback on the draft minutes that had been circulated by her staff. Representative Balsler noted that in the draft minutes for the meeting on November 5, 2018, she was incorrectly listed as absent. Secretary Sudders noted that her staff will correct the error to reflect that Representative Balsler was present at the meeting.

Vote 1: Secretary Sudders requested a motion to approve the minutes from the Commission's previous meeting on October 30, 2018, which was seconded and approved unanimously by roll-call vote (see voting record above; no members had joined yet on the phone line).

Vote 2: The Secretary requested a motion to approve the minutes from the Commission's previous meeting on November 5, 2018. The motion was seconded and approved unanimously by roll-call vote (see voting record above; no members had joined yet on the phone line).

Secretary Sudders reviewed the updated meeting schedule and agendas for the Commission's next scheduled meetings, noting that for the February 28, 2019 meeting, she has requested that Commissioner Bharel prepare an overview of the DPH data related to opioids, voluntary and involuntary treatment outcomes, and the effectiveness of reducing long-term relapse rates. For that same afternoon, she noted that her staff is organizing a panel discussion with first responders to share their experiences working with patients with substance use disorders and the Section 35 process. For the April 25, 2019 meeting, Secretary Sudders noted that the legal working group is scheduled to present its findings to the broader Commission.

Secretary Sudders began the panel discussion by welcoming the seven panelists – Zachary Wallace, Robin Wallace, Merredith Cunniff, Joel Kergaravat, Denise Bohan, Lina Abdalla, and Joanne Peterson – and expressing her gratitude to them for agreeing to share their experiences with the Commission. Secretary Sudders invited each panelist to introduce themselves and share their personal experiences with substance use disorder and the Section 35 process.

Mr. Wallace shared details of his personal experience with opioid addiction, recovery, and the Section 35 process. He appeared alongside his mother, Ms. Wallace, who discussed the impact that opioids and addiction have had on their family. Mr. Wallace commented on the disparity of treatment he experienced at facilities while detained under the Section 35 process. Ms. Wallace recommended that the standards of care for Section 35 patients should be reviewed.

Ms. Cunniff spoke about her experience with opioids and her pathway to recovery. She noted that as a former Section 35 patient and employee of the Women's Recovery from Addictions Program (WRAP) and the Women's Addiction Treatment Center (WATC), she is very familiar with the Section 35 process. She praised the WRAP's staffing model and nurse to patient ratios and ability of facility staff to accommodate patients' needs. Ms. Cunniff contrasted her positive experience and care she received as a patient at the WRAP with her care at the WATC. She stated that the nurse to patient ratios at the WATC result in staff feeling overloaded and potentially lead to problems with standards of care.

Mr. Kergaravat discussed the particulars of his experience with opioid addiction, the Section 35 process, and the hardship he experienced while in detainment at the Massachusetts Alcohol and Substance Abuse Center (MASAC). He stated that he felt that aspects of his detainment at MASAC were more punitive than

therapeutic, and asked that improvements be made to address the isolation and treatment he experienced at the MASAC.

At 3:45 pm, Secretary Sudders noted that Dr. Kerensky had joined the phone line and was participating remotely.

Ms. Bohan shared her experience as a mother of a former Section 35 patient. She stated that while the experience was painful, both she and her son believe that the Section 35 process was beneficial for his recovery.

Ms. Abdalla shared her experience with opioid addiction and her own path to recovery, noting that the group counseling and family groups offered at the WATC were critical to her recovery. She recognized the support she received from MOAR and Maryanne Frangules, in particular.

At 4:15 pm, Professor Frank joined the meeting.

Joanne Peterson described her family's struggles with addiction and the pain she experienced filing a Section 35 petition for her son. She expressed gratitude that the Section 35 process exists, but emphasized that aspects of the system need to be improved, particularly the addition of training for facility staff in trauma informed care.

Professor Beletsky left the meeting at 4:30 pm.

During the question and answer period following the panelists' introductions, Commission members commented on the existing restrictions on providing medication-assisted treatment (MAT) in correctional facilities and the importance of aftercare for patients who have been involuntarily committed.

Secretary Sudders thanked the panelists for their testimony and personal courage sharing their experiences with the Commission. In response to a question from Ms. Bohan, Secretary Sudders reviewed the charges of the Commission.

Dr. Kerensky noted that it would be worthwhile to clarify whether the MATC and WATC facilities offered MAT and long-term treatment options for patients.

In response to a comment from Ms. Frangules regarding the value of scheduling a listening session for the Commission in Springfield, Secretary Sudders noted that a dedicated email had been created for members of the public to submit comments and questions for the Commission.

Vote 3: The Secretary requested a motion to adjourn the meeting, which was seconded and approved unanimously by roll-call vote (all members present voted in the affirmative; Dr. Kerensky indicated his vote in the affirmative over the phone).

The meeting was adjourned at 5:00 pm.