

AGENDA

Task Force Concerning the Treatment of Persons with Mental Illness in the Criminal and Juvenile Justice Systems

Thursday, January 21, 2016
10:00 a.m. to 12:30 pm
House Committee Room 0109
State Capitol Building

I. Call to Order

- *Susie Walton, Park County Department of Human Services*

II. Introductions and Welcome

- *Susie Walton, Park County Department of Human Services*

III. Approval of Minutes

- *October 15, 2015 Meeting*
- *November 19, 2015 Meeting*

Minutes approved as written.

IV. Oversight Committee Update and Bill Discussion

- *Susie Walton, Park County Department of Human Services*
- *Amanda King, Legislative Council*

Representative Singer will be serving as the new Oversight Committee Chair, and Senator Martinez-Humenik is serving as Vice-Chair. Only SB 39 regarding Mental Health and Collaborative Management Teams passed out of the Committee. It passed out of the Senate State-Affairs Committee on January 20th with a unanimous vote. Senator Newell is the sponsor and Senator Humenik is the Co-Prime Sponsor. The bill was moved onto the consent calendar in the Senate for a quick passage. The Task Force was asked to designate a point person for the bill's sponsors. Jane Ritter described the amendment to SB39; the original bill added a mental health professional to the local collaborative teams. The amendment clarified that the mental health professional must be appointed from the local community mental health center.

Representative Singer has asked that the Task Force take a look at some of the other relevant bills that have been introduced this year and provide feedback. Representative Foote is bringing up HB 1063 on Mental Health Professional Disclosure of School Safety. Dr. Martinez brought up SB 19, sponsored by Senator Cooke, to make mandatory auditory-video recordings of all mental condition and sanity evaluations. Gina Shimeall has asked that the Oversight Committee and Task Force pay particular attention to any bills regarding mental health, housing, restoration, and especially competency evaluations given the current back-log crisis and resulting litigation. The understanding is that the legislature is planning to work on the back-log issue, and the Task Force and Competency Subcommittee should monitor any action being taken in order to be an adequate resource for work that is already being done. This issue is highly complex, and in order to get traction the Subcommittee will need to determine a smaller scope and a defined role within the competency evaluation issue. There has been discussion that the Subcommittee will likely need to split efforts between two groups focused on adults and juveniles respectively. The Task Force plans to get Dr. Fox to come in and discuss the issue as soon as possible in order to get a direction for action laid out.

V. Housing Group Update

- *Peggy Heil, Colorado Division of Criminal Justice*

The January 21st meeting of the Housing Group did not convene. Peggy explained that the group wants to get more educated on the state's current housing structure and what's available. They are working on arranging presentations for the upcoming meetings. Gina Shimeall noted that Jen Lopez is a great resource, and that it would be useful for her to present to the Task Force as a whole in terms of what action can be taken legislatively. It was mentioned that part of the housing issue is that landlords will not lease to individuals if they have a criminal background, and that the Housing Group may want part of their focus be to increase the landlord pool and be a resource of information to lessors.

VI. Competency/Restoration Group

- *Sheri Danz, Office of the Child's Representative*

The Competence and Restoration Group has decided to focus on juvenile restoration. One of the challenges faced is figuring out the data. In the statute there is no designated party responsible for providing restoration, and so identifying statistics has been extremely difficult. The only data that has captured thus far is tracking of 60 incidents of restoration within the last fiscal year, but that is an incomplete number. In terms of content, a goal was determined to make recommendations about who does restoration, where it's done, and what it entails. The group has looked at states that have been identified as potential models for their programs, research, and statutes. Efforts will focus on a few core principles: restoration should be done in the least restrictive environment, it has to be localized and accessible, but there still needs to be state level standards and oversight. Restoration needs to be individualized, and the Task Force is exploring whether restoration should be delivered by a state-wide provider, or through an RFP process. The next meeting will be teasing through which recommendations may be made and what further research needs to be done. Susie Walton mentioned that she believes this issue will be a significant part of the March Oversight Committee meeting in order to summarize the key areas of need and determine areas of focus.

VII. Data and Information Sharing Subcommittee Update

- *Peggy Heil, Colorado Division of Criminal Justice*
- *Camille Harding*
- *Ashley Tunstall*

The Data and Information Sharing Subcommittee is being funded by the Bureau of Justice Assistance, with a one year planning grant to develop a state-wide electronic information sharing system. One of the main focuses for this system would be to allow criminal justice agencies and community mental health centers to share health information. The information will all be appropriately secured and privileged. The group would also like the system to be able to provide some level of information to law enforcement in crisis situations.

Information may also be made available to custodial facilities such as jails and prisons around whether inmates may need mental health treatment or should be housed in a mental health facility. The system will track outcomes on reducing the number of individuals who are incarcerated, reduce rates of recidivism, and improve access to mental health care services within the criminal justice system. The one-year planning grant began in October, and the planning should be completed by June if the Subcommittee is to qualify to apply for \$3 million of implementation funds. The first report is due at the end of January. The group is looking at what subcommittees will need to be formed, such as information technology, clinical policy, agency agreements, etc. If there is any interest in joining please let Ms. Heil

know.

A question has been identified as to whether sharing criminal justice information with health entities is permitted by statute. Currently the group is looking for clarification on that legislation. Michael Ramirez asked if the assessment process is outcomes focused or fidelity based. Ms. Heil replied that to do the grant report, the Subcommittee needs to identify the target population with concrete numbers of individuals with mental health issues both in the criminal justice system, and their rates of recidivism. There is currently no collective data on that subject, and there is lack of incentive for collecting that data on a local level. Ms. Shimeall mentioned that the Metro Area County Commissioners formed a sub-group lead by the sheriffs' departments, and they were instrumental in gathering data for Crisis Intervention Training. That entity may be a good resource both for gathering data and for connecting with the rural counties. The Data and Information Sharing Subcommittee is actively looking for more sources of data.

VIII. Behavioral Health Transformation Council Update

- *Peggy Heil*

The Medication Consistency Subcommittee is working on how to purchase medications in the most cost-effective fashion. They are leaning towards the Minnesota purchasing Collaborative because it a very sophisticated purchasing collaborative with good prices. The group is also exploring if there are jail community mental health centers and federally qualified health clinics that could collaborate together to get 340-B pricing which is even below what a collaborative could do. This effort is intended to help ensure continuity of medications for an individual transferred between jail and corrections, and to ensure the availability of certain necessary medications. There is a question of what enforcement mechanism will be used to make certain that the private corporations managing the medication needs of jails adopt this formulary- whether there will need to be legislative enforcement, or if there will simply be cost driven incentive. Dr. Martinez said there was a statutory change that if somebody goes on involuntary medication at Pueblo the certification could be transferred to the jail and the medications could be continued. Theoretically a jail could be enforced to provide that drug if it is not on their formulary. Jails have an interest in keeping their inmates well, and seeing their cases move forward. A striking response to the applications was that at least half of the jails require the individuals to self-pay for the medications.

One of the Behavioral Health Transformation Council's subcommittees is looking at the new crisis centers, and there is another subcommittee working on workforce development. That subcommittee will be preparing a brochure on the various levels of behavioral health professions and career ladders, as well as incentives like loan repayment, aid and internships to encourage more people to get involved with the behavioral health field. Please let Peggy know if you have any interest in joining that subcommittee.

IX. Membership Updates and Vacancies Discussion

- *Susie Walton, Park County Department of Human Services*
- *Membership booklet—finalize*

The Task Force has some new faces- some of whom are not yet official. Welcome Susan White from the Division of Parole who has been officially appointed. Welcome Commander Tom DeLuca, who has been officially appointed, and Dr. Dave Margiotta who is also now official. Chris Johnson, the Head of C-SOC, is intending to become appointed. Tariq Sheikh needs to have his appointment made official and then he will be joining us. Amy Kingery's letter from Judicial is forthcoming. The vacancy still holds for a member with an adult family member who has a mental illness and has been involved with the

Colorado criminal justice system. Ms. Walton is interested in suggestions to fill this vacancy, especially for a rural resident.

X. Legislative Update

The Task Force is waiting to hear back on whether Doyle Forestall would be willing to offer a regular legislative update delivered by a staff member. The group would like the legislative updates to be real-time, and germane to all of the populations impacted by the Task Force, including corrections, human services, etc. CBHC was asked to provide their legislative updates as well. Amanda King may be able to assist in a search of the legislative directory, listing all archived statutes from this year and previous years. It was discussed that DOLA's Division of Housing may be able to provide updates regarding housing, and interns for Oversight Committee Members may also be able to assist in providing updates.

XI. What's Happening at Your Agency?

Camille Harding, HCPF- HCPF was awarded the CCBHC grant and they are gearing up to meet with the CBHC to start looking at prospective or alternative payment models that will potentially be paid to Community Behavioral Health Centers for serving certain subsections of the population. This will include significant amounts of quality improvement work with each of the community mental health centers and identifying target populations that are high-need. This project sets us up for applying for additional funding that is matched at about 70% by the feds. It's a three-year grant. It would bring in a significant amount of revenue for those centers that meet certification requirements for quality standards. The application for that is due in October. This will potentially expand the infrastructure for independent practitioners under the larger umbrella of the SIM grant. Ms. Shimeall asked that if there will be incentive pay for mental health entities to take individuals with high end usage of emergency visits. Camille responded that that incentive is already part of the required set of measures for the project.

Michael Ramirez, Department of Education- There is a grant funding process that was recently approved at close to a million dollars to fund bully prevention. There will be an RFP process, rules put in place to disseminate funds. This includes cyber bullying.

Tariq Sheikh, District Attorney- We have just introduced a new juvenile sexting bill in response to the recent case in Canyon City. Currently the law is not caught up with modern technology, and minors are getting charged with the distribution of child pornography or sexual exploitation of a child which is a felony of the third degree. This new bill makes sexting a misdemeanor of the second degree, which would not require those juveniles to register as sex offenders, and it will be expungable.

Susan White, Division of Parole- We are involved in a couple of grants related to providing wrap-around services to individuals experiencing mental illness and homelessness. In addition, House Bill 2014-1355 gave parole mental health clinicians to work on case plans for the mentally ill by coordinating care, providing individual counseling, and other services.

Ashley Tunstall, Division of Youth Corrections- The awards for jail-based behavioral health services for Fiscal Year 17 was recently completed. The list is currently at 44 different counties. Alamosa and Conejos Counties did not submit applications, but Archuleta County applied and Moffat County will be incorporated into the Mesa County contract. The list is on the DYC website.

Dr. Dave Margiotta Colorado Mental Health Institutes- Clinicians in the community are being subcontracted to do some of the competency evaluations, and in the last several months the hospital has added four new competency evaluators to try and meet this growing need.

XII. Adjourn-

The meeting adjourned at 12:05 pm