

Section 35 Commission



**Executive Office of Health & Human Services
Marylou Sudders, Secretary**

**October 30, 2018
One Ashburton Place
Boston, Mass.**



Agenda



1. Oath, Welcome and Introductions
2. Commission's Charge Overview
3. Commission Members' Expectations and
Proposed Agenda for the Commission
4. Review of Open Meeting Law
5. Timeline



Commission's Charge Overview



- Review medical literature and expert opinions on the long-term relapse rates of individuals diagnosed with substance use disorder following involuntary inpatient treatment.
- Review the differences in outcomes for coerced and non-coerced patients Review potential increased risk of fatal overdose following a period of involuntary treatment
- Review length of time necessary for detoxification of opioids and induction on MAT
- Review **legal implications** of holding a non-court involved individual who is diagnosed with substance use disorder but is no longer under the influence of substances
- Review **current SUD treatment capacity**
- Review the **effectiveness of S. 35 process** at reducing long-term relapse rates

Evaluate and develop a proposal for a consistent statewide standard for the medical review of individuals who are involuntarily committed due to an alcohol or substance use disorder pursuant to section 35 of chapter 123 of the General Laws, including, but not limited to, developing:

- (1) a **proposed standardized form and criteria for releasing medical information for use in a commitment hearing** under said section 35 of said chapter 123 that is in compliance with federal and state privacy requirements, and
- (2) **criteria and guidance to medical staff** about filing a petition under said section 35 of said chapter 123.



Commission's Charge Overview (cont'd)



- Meeting Schedule:
 - October 30, 2018 from 3:00-5:00 pm
 - November 5, 2018 from 3:00-5:00 pm
 - December 6, 2018 from 3:00-5:00 pm
 - February 28, 2019 between 2:00-5:00 pm
 - April 25, 2019 between 2:00-5:00 pm, tentative
 - May 23, 2019 between 2:00-5:00 pm, tentative
 - June 27, 2019 between 2:00-5:00 pm, tentative
- Final report due to the legislature on **July 1st, 2019**



Proposed Agenda for Each Meeting



Proposed strategy: the commission will dedicate each meeting to answering specific questions

Proposed Meeting Agenda	Commission Charge discussed during meeting
<p data-bbox="92 532 340 561">November 5, 2018</p> <p data-bbox="92 622 195 651"><u>Agenda</u></p> <ol data-bbox="92 665 761 958" style="list-style-type: none"><li data-bbox="92 665 761 736">1. Presentations on detoxification and induction on MAT<ul data-bbox="189 751 761 958" style="list-style-type: none"><li data-bbox="189 751 761 822">▪ Colleen T LaBelle, MSN, RN-BC, CARN (confirmed)<li data-bbox="189 836 761 908">▪ Alexander Y. Walley, MD, MSc (confirmed)<li data-bbox="189 922 761 958">▪ Expert on Vivitrol (TBD)	<p data-bbox="801 532 1769 651">The Commission must review medical literature and expert opinions on length of time necessary for detoxification of opioids and recommended time following detoxification to begin medication-assisted treatment.</p>



Proposed Agenda for Each Meeting



Proposed Meeting Agenda	Commission Charge discussed during meeting
<p>December 6, 2018</p> <p><u>Agenda</u></p> <ol style="list-style-type: none"> 1. Medical literature will be sent out prior to meeting 2. Commission will hear from a panel of experts 	<p>The Commission must review medical literature and expert opinions on the long-term relapse rates of individuals diagnosed with substance use disorder</p> <ul style="list-style-type: none"> • What experts would the Commission like to hear from?
<p>February 28, 2019</p> <p><u>Agenda</u></p> <ol style="list-style-type: none"> 1. DPH presents capacity analysis 	<p>The Commission must review whether the current capacity, including acute treatment services, clinical stabilization services, transitional support services and recovery homes, is sufficient to treat individuals seeking voluntary treatment for substance use disorder.</p> <p>The Commission must review the availability of other treatments for substance use disorder, including those treatments used in less restrictive settings. Prior to the 1st meeting a chart of the number of substance use and mental health treatment beds in the Commonwealth, as well as substance use outpatient treatment capacity was provided.</p> <ul style="list-style-type: none"> • DPH to conduct an analysis of the current capacity in the system and present the analysis to the commission • Is there additional information the Commission would like on this topic to aid in the discussion?



Proposed Agenda for Each Meeting



Proposed Meeting Agenda	Commission Charge discussed during meeting
<p>April 25, 2019</p> <p><u>Agenda</u></p> <ol style="list-style-type: none"> 1. Presentation from legal working group 	<p>The Commission must Evaluate and develop a proposal for a consistent statewide standard for the medical review of individuals who are involuntarily committed due to an alcohol or substance use disorder pursuant to section 35 of chapter 123 of the General Laws, including, but not limited to, developing: (1) a proposed standardized form and criteria for releasing medical information for use in a commitment hearing under said section 35 of said chapter 123 that is in compliance with federal and state privacy requirements, and (2) criteria and guidance to medical staff about filing a petition under said section 35 of said chapter 123.</p> <p>The Commission must review the legal implications of holding a non-court involved individual who is diagnosed with substance use disorder but is no longer under the influence of substances.</p> <ul style="list-style-type: none"> • Prior to this meeting DPH, DMH, and Judge Carey’s staff were asked to craft recommendations related to both charges and make recommendations to the Commission. • Is there additional information the Commission would like on this topic to aid in the discussion?



Proposed Agenda for Each Meeting



Proposed Meeting Agenda	Commission Charge discussed during meeting
<p>May 23, 2019</p> <p><u>Agenda</u></p> <ol style="list-style-type: none"> 1. Presentations from DPH 2. Discussion around effectiveness of involuntary treatment 3. Discussion around proposed recommendations to the legislature 	<p>The Commission must review the differences in outcomes for coerced and non-coerced patients.</p> <p>The Commission must review any potential increased risk of an individual suffering a fatal overdose following a period of involuntary treatment.</p> <p>The Commission must review the effectiveness of the existing involuntary commitment procedures pursuant to section 35 of chapter 123 of the General Laws at reducing long-term relapse rates.</p> <ul style="list-style-type: none"> • DPH to conduct an analysis of the differences in outcomes for patients and present the analysis to the commission? • DPH to conduct an analysis of any potential increased risk of an individual suffering a fatal overdose following a period of involuntary treatment and present the analysis to the commission?



Proposed Agenda for Each Meeting



June 27, 2019

Agenda

1. Review document capturing recommendations to the legislature from the last meeting
2. Review proposed final deliverable

Final deliverable development and finalization



Review of Open Meeting Law



Open Meeting Law

- Our meetings are subject to the open meeting law.
- Each member must complete the Certificate of Receipt of Open Meeting Law Materials certifying receipt and understanding of materials.
- All of our meetings must be held in public and notice of the meeting and the agenda must be provided to the public at least 48 hours in advance.
- Under the OPL, members cannot communicate with a quorum (simple majority) of the members regarding topics before this commission (in person or via email) outside of a public meeting.
- For any questions about the Open Meeting Law, contact the Attorney General's Division of Open Government at (617) 963-2540 or openmeeting@state.ma.us.
- Additional information can be found at: <https://www.mass.gov/the-open-meeting-law>



Timeline



Key Dates

- Next meeting: November 5, 2018 from 3:00-5:00 pm
- December 6, 2018 from 3:00-5:00 pm
- February 28, 2019 (between 2-5 pm)
- April 25, 2019 (between 2-5 pm), tentative
- May 23, 2019 (between 2-5 pm), tentative
- June 27, 2019 (between 2-5 pm), tentative
- **June 30, 2019 – Report submission to the legislature**



Commission Members



Marylou Sudders (Chair)
Secretary, Health and Human Services

Monica Bharel, MD, MPH
Commissioner, DPH

Michael Finn
Mass. State Representative

Cindy Friedman
Mass. State Senator

Ruth Balsler
Mass. State Representative

William Brownsberger
MA State Senator

Neal S. Hovey
Sergeant, Topsfield Police

Leo Beletsky, JD, MPH
Associate Professor of Law & Health Sciences,
Northeastern University

Hon. Paula M. Carey
Chief Justice, Mass. Trial Court

Sabrina Selk
Director, Health Equity, DPH

Maryanne Frangules
Executive Director, Massachusetts Organization
for Addiction Recovery

David Munson, MD
Medical Director, Respite Program

Carol Mallia, RN, MSN
Associate Director, Department of Nursing



Commission Members (cont'd)



Carrie Jochelson, PMGCNS-BC

Kristin Beville

Director of Social Work, McLean Hospital

Jessie Rossman

Staff Attorney, ACLU of Mass.

Mark Larsen

Director, Mental Health Litigation,
Committee for Public Counsel Services

Leigh Youmans

Sr. Manager Behavioral Health & Healthcare
Policy, Mass. Health & Hospital Association

David G. Stewart, PhD, ABPP

Chief of Psychology, Cambridge Health Alliance

Alain Chaoui, MD

President, Massachusetts Medical Society

Mark Green, MD

Addiction Psychiatrist, Psych Garden

Scott Weiner, MD, MPH

President, Mass. College of Emergency
Physicians

Todd Kerensky, MD

Medical Director, Outpatient Opioid Treatment
Program, Spectrum Health

Vicker V. DiGravio III

President/CEO, Association for Behavioral Health

Marcia Fowler

CEO, Bournemouth Health Systems