

**SANTA BARBARA COUNTY
BOARD AGENDA LETTER**



Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Agenda Number:
Prepared on: 12/3/01
Department Name: Alcohol, Drug & Mental Health
Department No.: 043
Agenda Date: 1/8/02
Placement: Administrative
Estimate Time:
Continued Item: NO
If Yes, date from:

TO: Board of Supervisors

FROM: James L. Broderick, Ph.D., Director
Alcohol, Drug and Mental Health Services (ADMHS)

STAFF CONTACT: Al Rodriguez, ADMHS-Alcohol and Drug Program, Manager
(805) 681-5442

SUBJECT: Amend the Implementation Plan for Substance Abuse Crime Prevention Act of 2000

Recommendation(s):

That the Board of Supervisors:

- A. Amend the Fiscal Year (FY) 01-02 Implementation Plan for the Substance Abuse and Crime Prevention Act (SACPA) of 2000 (Proposition 36), to include provisions for drug testing, Senate Bill 233 (Burton).
- B. Adopt the attached resolution to: 1) approve and submit a revised county plan to the state implementing the Substance Abuse Treatment and Testing Accountability Program; and 2) comply with the provisions of the SACPA 2000, the Health and Safety Code 10.0, commencing with Section 11999.20, and the California Code of Regulations, Division 4, Chapter 2.5.
- C. Approve the attached Budget Revision for FY 01-02, increasing ADMHS Budget Unit #6100 by \$135,447, in unanticipated revenue for the provision of drug testing S.B. 233 (this action requires a 4/5 vote).

Alignment with Board Strategic Plan:

The recommendation(s) are primarily aligned with Goal No. 2. A Safe and Healthy Community in Which to Live, Work, and Visit.

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Executive Summary and Discussion:

On May 22, 2001, your Board approved the Implementation Plan for the SACPA 2000 commonly known as Proposition 36, which diverts nonviolent persons convicted of drug possession or drug use to appropriate treatment instead of incarceration. Approval of this plan resulted in Santa Barbara County receiving \$1,845,234 of the \$120 million allocated to the State of California for FY 01-02.

While the State's initiative provided substantial resources for drug treatment services, it did not authorize the use of SACPA funds for drug testing services and related costs. Drug testing is viewed as a critical tool for promoting greater accountability among drug abusing clients. The absence of any funding for this activity was a serious concern to the SACPA partner agencies. On October 11, 2001, Governor Davis signed S.B. 233 (Burton) which redirected \$8.4 million, in Federal Substance Abuse Prevention and Treatment (SAPT) Block Grant funds, intended for counties to use for other treatment services and reappropriated these funds to substance abuse testing costs under SACPA for Federal Fiscal Year (FFY) 2001.

To be eligible to receive the \$135,447 in SAPT federal funds, Santa Barbara County must prepare a revision to the existing county plan. The revision must include: 1) a description of the process to be used for assessing and placing county residents into treatment; 2) monitoring of community based treatment providers to insure quality of service; and 3) the use of drug testing as a treatment tool. The funding may not be used to support drug-testing activities that might be used to impose new criminal charges. The proposed revision, incorporating drug testing activities into the county plan, was a collaborative effort with input from the contracted community based treatment agencies and finalized by the SACPA Policy Council comprised of ADMHS, Superior Court, District Attorney, Probation, Public Defender, and representatives of treatment agencies.

Approval of this action will authorize ADMHS-Alcohol and Drug Programs to accept the \$135,447 in unanticipated revenue for SACPA drug testing, and will allow ADMHS to commence reimbursement to Probation and contract providers for costs incurred for SACPA related drug testing services for FY 01-02.

Mandates and Service Levels:

Funding for S.B.223 is from Federal Substance Abuse Prevention and Treatment (SAPT) Block Grant funds for FFY 2001. Funding will be awarded by the State ADP through the Negotiated Net Amount (NNA) county budget and cost reporting process. SAPT funds must be used to supplement, rather than supplant, funding for existing substance abuse programs. Federal law requires the SAPT funds be used for planning, carrying out, and evaluating activities to prevent or treat substance abuse (Title 42, U.S.C. Section 300x-21(b)). Funds received pursuant to S.B. 223 shall not be deposited in the county's SACPA trust fund established pursuant to Section 9517, Title 9, CCR. S.B. 223 funds must be traceable to ensure that they are expended in compliance with the terms and conditions under which they were awarded (Title 45, CFR, Part 96, Section 96.30). The funds must be spent by June 30, 2002, or repaid to the State.

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S.B. 223 adds Division 10.9 to the Health and Safety Code (HSC) enacting the Substance Abuse Treatment and Testing Accountability Program. Pursuant to HSC Division 10.9 (commencing with Section 11999.20), the State ADP requires that counties revise their SACPA county plan as a condition of receipt of funds and comply with the state reporting and data collection requirements.

The revised county plan for Santa Barbara County was developed in collaboration with impacted stakeholders as required by Section 9515, Title 9, CCR (California Code of Regulations), and reflects local community interest in promoting increased accountability of drug abusing county residents involved in SACPA. The revenue, from S.B. 223 in FY 01-02, will support 635 clients; however, it is estimated that Probation and contract service providers will conduct a total of 50,614 drug tests for approximately 864 clients countywide.

Fiscal and Facilities Impacts:

The recommended action will not alter the budgeted net county cost of this budget unit.

ADMHS will receive \$135,447 in unanticipated revenue to implement the Substance Abuse Treatment and Testing Accountability Program consisting of drug testing services for FY 01-02. While this funding allocation is critical and significant to the reimbursement of treatment agencies and County Probation for drug testing costs incurred in FY 01-02, the overall costs projected far exceeds this allocation. It is estimated, by ADMHS and the Policy Council, that the \$135,447 in drug testing funding will support 635 clients; however, plans are to serve the 864 clients countywide for a cost of \$184,415, resulting in a shortfall of \$48,968. Based on these projections, ADMHS and the Policy Council anticipate returning to your Board to make a future request for additional county support.

FUND: 0044

BUDGET UNIT: 6100

ACCOUNT No. 7460

There is no need for additional facilities.

Special Instructions:

Please return the adopted Resolution and a certified copy of the Minute Order to: Al Rodriguez, ADP Manager, Alcohol, Drug and Mental Health Services, 300 N. San Antonio Road, Santa Barbara, CA 93110

Concurrence:

- Superior Court
- Public Defender
- District Attorney
- Probation
- Auditor Controller