



Kane County

KC AD HOC Opioid Settlement Fund Committee

Agenda

Government Center
719 S. Batavia Ave., Bldg. A
Geneva, IL 60134

ISAACSON, Hain, Mosser, Russell, Strathmann

Thursday, March 7, 2024

10:00 AM

County Board Room

1. **Call To Order**
2. **Roll Call**
3. **Remote Attendance Requests**
4. **Approval Minutes: November 13, 2023 & February 1, 2024**
5. **Public Comment (Agenda Items)**
6. **New and Unfinished Business**
 - A. Discussion - Internal Proposal Process
 - B. **Resolution:** Approving Use of Opioid Settlement Funds for Treatment of Drug Court Participants
7. **Executive Session (if needed)**
8. **Public Comment (Non-Agenda Items)**
9. **Adjournment**

NOW, THEREFORE, BE IT RESOLVED by the Kane County AD HOC Opioid Settlement Fund Committee that the designated administrators of the opioid settlement funds approve the use of \$350,000 (Three Hundred Fifty Thousand Dollars) from the Opioid Fund to be used for treatment, sober living, drug testing, staff trainings, and other eligible activities that support DRC participants' treatment and recovery from addiction, including to opioids.

Passed by the Kane County AD HOC Opioid Settlement Fund Committee on March 7, 2024.

John A. Cunningham, MBA, JD, JD
Clerk, County Board
Kane County, Illinois

Michael Isaacson
Kane County Opioid Committee Chair
Kane County, Illinois

Vote:



RESOLUTION / ORDINANCE EXECUTIVE SUMMARY ADDENDUM

Title

Approving Use of Opioid Settlement Funds for Treatment of Drug Court Participants

Committee Flow:

AD HOC Opioid Settlement Fund Committee,

Contact:

Michael Isaacson, 630.208.3140

Budget Information:

Was this item budgeted? Yes	Appropriation Amount: \$350,000
If not budgeted, explain funding source: Opioid Settlement Fund	

Summary:

This resolution is to approve the use of Opioid Settlement Funds for treatment of Drug Court participants.

16TH JUDICIAL CIRCUIT
COURT SERVICES, COUNTY OF KANE
OFFICE OF THE EXECUTIVE DIRECTOR



LISA J. AUST
EXECUTIVE DIRECTOR

EXHIBIT A

January 8, 2024

To: Members of the Ad Hoc Opioid Settlement Fund Committee

Re: Funding Request for Problem Solving Court Participants w/ Opioid Use

Please consider this request for an allocation of \$350,000 for inpatient addiction treatment, treatment services, drug testing, and staff education in support of the participants with our Problem Solving Courts. Supporting information is discussed below.

We have four problem solving courts serving Kane County. The participants must be assessed as being high needs and high risk before they are eligible to enter the program. Participants have overwhelmingly been arrested for serious offenses that would otherwise lead to their incarceration but for their participation in one of our problem solving courts. Those courts are specifically:

- **Veteran's Court**, serving veterans of our armed forces
- **Drug Rehabilitation Court (DRC)**, serving those with serious drug addictions whose drug use has been linked to the commission of crimes
- **Treatment Alternative Court (TAC)**, serving those who have an untreated or unregulated and diagnosed mental illness that has directly been linked to their criminal behaviors
- **DUI Court**, serving those with multiple convictions for being under the influence of intoxicating substances while driving

The participants of these courts have often been held in jail for months pending the outcomes of their cases. Once sentenced to participate in a problem solving court and because of the participants' assessed level of care, many are ordered to enter inpatient treatment, or a sober living facility immediately upon release from Jail. This best practice ensures that the participants do not go back to their former environments which contributed to their criminal behavior. However, this creates an inadvertent financial barrier and impediment to their full participation in the program.

Drug treatment facilities and sober living houses require payment for enrollment. But because the participant may have been jailed for many months, not uncommonly they may have lost their

employment and have no insurance to cover the costs. Many of our participants will qualify for Medicaid to cover the costs, but Medicaid is cancelled or suspended any time a person is in jail.

For the participants who receive government aid such as Medicaid, Social Security disability, or Supplemental Security Income, there is a Federal rule called the Medicaid Inmate Exclusion Policy (MIEP), based on Section 1905(a)(A) of the Social Security Act, which states that payments may not be made, "...with respect to care or services for any individual who is an inmate of a public institution." The State of Illinois suspends the participant's Medicaid coverage while they are in jail or incarcerated.

Once the person is released from jail they can apply for the benefits to be reinstated through the Illinois Department of Healthcare and Family Services for Medicaid, or the Social Security Administration for disability or SSI. They then must wait for a determination of eligibility and reinstatement, but there is no guaranteed timeline for this to occur. My staffs' experience is that a normal reinstatement wait can take anywhere from two days to over a month for Medicaid.

The Veteran's Administration will pay for treatment of our VET's court participants, but not for those with a dishonorable discharge. Additionally the Veteran's Administration also terminates all benefits for those who are in jail as the result of a felony or misdemeanor conviction on the 61st day of incarceration. We work closely with a local VA representative for resumption of benefits for our veterans once they are released from jail, which they will normally do.

Per the National Association of Counties, (NACo) Medicaid is the single largest source of funding for behavioral health services and in-patient treatment in the United States. Counties are required by federal law to provide health care for individuals in local jails each year due to the suspension of Medicaid and other benefits as required under the MIEP. NACo has repeatedly called for the repeal of MIEP due to the cost burden this places on local government.

Court Services has been using probation fees and Federal grant dollars to bridge this financial gap for the participants so that they can be released from jail to enter a treatment facility during the pendency of the reinstatement of their benefits. We have also used funds to occasionally pay for the treatment of participants who have no insurance and been found ineligible for Medicaid.

Additionally it needs to be noted that when participants have a relapse and require re-admittance to an inpatient facility, Medicaid will often not cover relapse related expenses even though it is the mantra in the addictions and recovery field that, "Relapse is part of recovery." We were extremely fortunate to have received grant dollars for the past 10 years to cover unmet costs, but we were not awarded a grant this year.

We surveyed our DRC participants for the last year and found that:

- We had 84 active DRC participants
- 33 of the participants used opioids as their primary drug of choice
- 25 of the opioid users required inpatient drug treatment
- 7 participants had a relapse of opioid use serious enough to require being re-admitted to an inpatient treatment facility

- 22 participants with opioid use were on Medicaid and had their benefits reinstated after their release from jail
- 6 opioid using participants were not eligible for Medicaid and had no insurance
- 16 of these participants needed to reside at a halfway house upon discharge from inpatient treatment as they still required a monitored environment. These residences require rent to be paid before they can live there at @ \$180 a week
- One person required Sublocade shots as part of her medically assisted treatment, which cost \$2,000 a month
- Inpatient treatment facilities can cost \$800 to \$1,000 a day, with 28 day stays being the norm

Court Services expenditures on services directly for the DRC participants in FY 2023 were \$334,301.72, broken out as follows:

○ Inpatient treatment	\$159,600.00
○ Contracted services	\$42,564.31
○ Lab services (dug testing)	\$101,455.47
○ Halfway houses	\$22,034.56
○ Misc. meds./supplies	\$474.75
○ Incentives	\$8,172.63

Additionally we spent \$15,507 for the DRC staff to attend trainings, conferences, meetings to learn about emerging drug use, best practices for working with addicted populations, trauma informed practices, effective strategies for drug courts, and effective community corrections practices with high risk and high need populations.

We are seeking your consideration to use Opioid Settlement funds for services for the problem solving court participants who are required to enroll in treatment by the court, but have no means to pay for the services in order to be released from jail. We will continue to work with all relevant agencies to have the participants' Medicaid and other benefits reinstated as soon as possible upon release in order to decrease our reliance on local funds.

Sincerely,

Lisa J Aust, Executive Director of Court Services