

Mayor's Office: Council Agenda Item Request Form

This form and supporting documents (if applicable) are due the Wednesday before the COW meeting by noon.

Date Received
(office use)

1 March 2017

Date of Request	3/1/2017
Requesting Staff Member	Karen Crompton/Human Services Dept Director
Requested Council Date	3/7/2017
Topic/Discussion Title	Criminal Justice Services' proposal for the Drug Court Client Fee Schedule
Description	CJS is seeking the Council's approval to adopt a new client sliding fee schedule for its Drug Court Program.
Requested Action ¹	Council's approval
Presenter(s)	Kele Griffone, CJS Division Director
Time Needed ²	5-10 Minutes
Time Sensitive ³	No
Specific Time(s) ⁴	No
Contact Name & Phone	Kele Griffone/ 385-468-3425
Please attach the supporting documentation you plan to provide for the packets to this form. While not ideal, if supporting documents are not yet ready, you can still submit them by 10 am the Friday morning prior to the COW agenda. Items without documentation may be taken off for consideration at that COW meeting.	Proposed schedule (attached) Opinion from the Revenue Committee (pending)

Mayor or Designee approval:



¹ What you will ask the Council to do (e.g., discussion only, appropriate money, adopt policy/ordinance) – in specific terms.

² Assumed to be 10 minutes unless otherwise specified.

³ Urgency that the topic to scheduled on the requested date.

⁴ If important to schedule at a specific time, list a few preferred times.



Salt Lake County Division of Criminal Justice Services
Drug Court Client Sliding Fee Proposal
February 21, 2017

To retain our Drug Court certification, Criminal Justice Services (CJS) is proposing to replace the current client fee structure in the Drug Court programs with a sliding fee schedule. The sliding fee schedule is the same one that Salt Lake County Behavioral Health Services (BHS) uses and has been approved by the State of Utah.

Background

The Salt Lake County Drug Court was established in 1996 with the mission to decrease the prevalence of substance abuse and drug-related crime. This is accomplished by breaking the cycle of addiction, crime and incarceration. The Drug Court program is a collaboration among the courts, prosecutors, public defenders, law enforcement, treatment providers, case managers, social service agencies and community-based treatment.

Drug courts save money. Drug courts are an innovative alternative to incarceration for individuals charged with a drug-related offense. Research has concluded that drug courts are more effective at preventing crime than jail time, stopping the cycle of addiction than treatment alone, and less costly than being locked up.

Justification

Judge Skanchy, a member of the State of Utah Judicial Council, notified CJS on 1/6/2017 that we need to adopt a sliding fee schedule or the Judicial Council will not certify our Drug Court program, potentially a loss of \$555,769 state dollars. The Judicial Council believes adopting a sliding fee schedule will allow for a more equitable program by allowing those with little resources to not pay, and those with more resources to pay.

Fee Description.

The CJS Drug Court Program is currently funded by Client Fees, the State Contract via BHS, and Salt Lake County Funding. The program duration is typically 19 months and the total fee collection from one client does not exceed \$1,200. This fee was designed partially to offset costs for therapy and case management services for clients in the Drug Court Program.

CJS clients progress through four phases. Phase one is pre-treatment and consists of legal orientation and treatment orientation. Phase two is stabilization which takes from 3-6 months to complete and includes substance abuse treatment and psycho-educational classes. Phase three is relapse prevention. This phase takes anywhere from four months to eight months to complete and includes individual and

group therapy along with case management. Phase four is compliance. During this final phase, clients work toward long-term recovery and success in the community.

Based on the Judicial Council's requirement, CJS is proposing to change its current flat client fee to a sliding fee schedule by adopting the current Behavioral Health Service (BHS) fee schedule (Attachment). The BHS fee schedule has been approved by the Salt Lake County Council and the State of Utah as part of its annual Area Plan in April 2016. It will satisfy the requirement by the Court to take into account the client's income level and family size. The proposed fee schedule also has been adopted by BHS' current treatment services providers.

Is this fee set by state statute or county ordinance?

The State of Utah Judicial Council requires CJS to take into consideration the client's ability to pay. CJS believes the proposed fee schedule (Attachment) would be approved by the state courts.

Current Fee.

The program duration is typically 19 months and the total fee collection from an individual client does not exceed \$1,200.

The projection of CJS 2017 Drug Court Client Fees is based on 311 non-Medicaid clients, in which 289 clients will need ASAM 1.0 treatment services and 22 clients will need ASAM 2.1 treatment services. ASAM stands for the American Society of Addiction Medicine which establishes the levels of care for the treatment services. ASAM 1.0 treatment services (aka Adult Outpatient) contain 9 hours of services per month, including group therapies, classes and individual therapies. ASAM 2.1 treatment Services (aka Adult Intensive Outpatient) contain the same 9 hours of services but intensifies the frequencies from monthly to weekly.

What year was the fee last adjusted?

The existing \$1,200 CJS fee goes back at least to 2008.

Does the fee recover full cost of service?

No. Neither the current fee nor the new proposed fee will cover the full costs for the program.

The CJS 2017 Drug Court Program's direct costs are estimated based on the following assumptions:

- CJS projects 311 non-Medicaid Drug Court Clients in 2017
- 289 out of 311 clients need ASAM 1.0 treatment services (9 hours per month)
- 22 out of 311 clients need ASAM 2.1 treatment services (9 hours per week)
- The average duration for each client to successfully graduate from the program is about 19 months
- CJS projects to receive 11 new Drug Court Clients per month

- Currently, CJS bills each client \$1,200 up front when client enters the program. The client is not required to pay until she/he passes through the phases. Over 19 months, each client's average monthly payment is about \$63. ($\$1,200/19=\63)
- CJS projects a 62.76% collection rate (collected\$/billing\$) for 2017
- CJS 2017 average Case Manager hourly rate \$34.25 (Based on \$71,241 per year)
- CJS 2017 average Therapist hourly rate \$37.26 (Based on \$77,508 per year)

The following table shows how CJS 2017 Drug Court Program's direct costs were determined and how they are funded.

Service Type	Hours	Duration	Hourly Cost	Client Counts	Annual Costs
Assessment	2	One-time	\$ 37.26	11	\$ 9,836.64
Case Management	6	Per month	\$ 34.25	236	\$ 581,976.00
ASAM 1.0	9	Per month	\$ 37.26	214	\$ 861,153.12
ASAM 2.1	9	Per week	\$ 37.26	22	\$ 383,628.96
Total Costs					\$ 1,836,594.72

Revenues	2017 Budget	% of Funding Sources
State Contract	\$ 555,769.00	30.26%
Client Fees	\$ 147,847.00	8.05%
SLCo Funding	\$ 1,132,978.72	61.69%
Total Revenues	\$ 1,836,594.72	100.00%

Please describe market constraints and/or policy reasons that would limit periodic fee increases.

Drug Courts are specially designed to achieve a reduction in recidivism and substance abuse among substance abusing offenders and to increase the offender's likelihood of successful recovery through treatment, drug testing, supervision and the use of appropriate sanctions and services. Graduated sanctions, including jail time, are imposed for program non-compliance. Upon graduation, the guilty plea is withdrawn and the criminal charges are dismissed.

Market constraints limiting fee increases center on our clients' ability to pay.

CJS estimates 87% of its non-Medicaid Drug Court clients will fall below 150% of Federal Poverty Level (FPL) and 13% will fall into the group earning between 151-200% of FPL. Adopting the proposed fee schedule, will result in 87% of non-Medicaid clients not being required to pay any fees.

Recommended fee adjustment.

Adopt the BHS current fee schedule which had been approved by the County Council and the State of Utah through the 2016 Area Plan. Please refer to Attachment.

Budget Impact.

With the adoption of the new sliding fee schedule, CJS projects a reduction of \$133K revenues in 2017 from Drug Court client fees collection. The following table shows how the reduction \$133K is calculated.

Service Type	Client Counts	Current Billing Rate Per Client Per Month	# months	Collection Rate	2017 Estimated Collection	Estimated Client Counts based on the proposed schedule	Proposed Client Fee Per Week	# weeks	Collection Rate	2017 Estimated Collection Based on the Proposed Schedule	Budget Impact
ASAM 1.0	289	\$ 63.00	12	62.76%	\$ 137,120.56	37.57	\$ 10.00	52	62.76%	\$ 12,261.04	\$ (124,859.51)
ASAM 2.1	22	\$ 63.00	12	62.76%	\$ 10,438.24	2.86	\$ 20.00	52	62.76%	\$ 1,866.73	\$ (8,571.51)
	311				\$ 147,558.80					\$ 14,127.78	\$ (133,431.02)

The risk of not adopting the new fee schedule is that the Judicial Council will not certify the Drug Court. Decertification will lead to the elimination of \$555,769 in state funds and increase the potential costs (such as more jail times, and less effective) in the Criminal Justice Systems. Decertification will also reduce CJS involvement in Drug Court and jeopardize relationships with our stakeholders.

CJS would like to seek the Revenue Committee's opinion on the methodology and calculation of the budget impact before submitting the proposed fee schedule to the County Council for approval. Although CJS does not submit a budget adjustment request immediately to reflect the budget impact, CJS has plans to mitigate this revenue loss, such as delaying the hiring of employees, finding savings from the operating budget, and also requesting additional funding support from the County or other sources. The budget adjustment request would be made through 2017 June Budget process.

Attachment

02/22/2017

Family Size	Monthly Gross Income (based on the Federal Poverty Level)						
	0 - 150% FPL	150% - 200% FPL	200% - 250% FPL	250% - 300% FPL	300% - 350% FPL	350% - 400% FPL	>400% FPL
1	\$0 - 1,471	\$1,472 - 1,961	\$1,962 - 2,452	\$2,453 - 2,942	\$2,943 - 3,433	\$3,434 - 3,923	\$ 3,924
2	\$0 - 1,990	\$1,991 - 2,654	\$2,655 - 3,318	\$3,319 - 3,982	\$3,983 - 4,645	\$4,646 - 5,310	\$ 5,311
3	\$0 - 2,510	\$2,511 - 3,347	\$3,348 - 4,184	\$4,185 - 5,022	\$5,023 - 5,858	\$5,859 - 6,697	\$ 6,698
4	\$0 - 3,031	\$3,032 - 4,041	\$4,042 - 5,053	\$5,053 - 6,062	\$6,063 - 7,073	\$7,074 - 8,083	\$ 8,084
5	\$0 - 3,550	\$3,551 - 4,734	\$4,735 - 5,917	\$5,918 - 7,101	\$7,102 - 8,285	\$8,286 - 9,470	\$ 9,471
6	\$0 - 4,071	\$4,072 - 5,428	\$5,429 - 6,785	\$6,786 - 8,142	\$8,143 - 9,499	\$9,500 - 10,857	\$ 10,858
7	\$0 - 4,590	\$4,591 - 6,121	\$6,122 - 7,651	\$7,652 - 9,182	\$9,183 - 10,712	\$10,713 - 12,243	\$ 12,244
8	\$0 - 5,110	\$5,111 - 6,813	\$6,814 - 8,517	\$8,518 - 10,221	\$10,222 - 11,924	\$11,925 - 13,630	\$ 13,631
Co-pays							
Adult Residential (once/month)	No Co-Pay	\$ 200	\$ 400	\$ 600	\$ 800	\$ 1,000	No Subsidy (consumer pays full cost)
Adult Outpatient (weekly max)		\$ 10	\$ 20	\$ 30	\$ 40	\$ 50	
Adult IOP (weekly max)		\$ 20	\$ 40	\$ 60	\$ 80	\$ 100	
Youth Residential (once/month)		No Co-Pay					\$ 50
Youth Non-Residential (weekly max)							\$ 5