

THE KANSAS ASSOCIATION OF ADDICTION PROFESSIONALS (KAAP)

2009 PUBLIC POLICY PLATFORM (AMENDED 2/4/09)

The most significant economic crisis in recent history confronts the Kansas Legislature during the 2009 Session. The Kansas Association of Addiction Professionals appreciates the challenges everyone in the state must face with declining revenue and increased demands for funding for services. The KAAP 2009 legislative platform contains requests for funding increases because the number of Kansans in need of services continues to grow. Administrative and legislative consideration of budget reductions, however, should focus on preserving the network of services such as substance abuse treatment and prevention that will be confronted with increased citizens' demands for services during this time of need.

Funding

■ **Oppose Elimination of Liquor Tax Funds**

- On behalf of the citizens of Kansas, KAAP opposes the Governor's recommendation to not make payments from the Liquor Tax Fund. One third of the funding generated from the liquor tax is directed for use by municipalities and community-based addiction providers to prevent substance abuse and treat Kansans who struggle with drug and alcohol addictions. Loss of these funds (known also as 888 funding) will be devastating to Kansas, in that it will become even harder for those who need addiction treatment and prevention services to find help. The 888 funds are used to provide prevention, early intervention and treat non-priority populations. Additionally, removal of these dollars for treatment and prevention will result in the loss of jobs in an economy that is already hurting, reducing what is already a sparse professional workforce and leaving even fewer treatment and prevention options for Kansas citizens who need them.

■ **Protect and sustained funding for alcohol and drug prevention and treatment in Department of Social and Rehabilitation Services FY 2010 Budget Request.**

- 2007 and 2008 Legislatures added significant funding increases for increased services and increased reimbursement rates for addiction and prevention grants
- Substantial funding commitments by the Legislature must be sustained and not reduced or client care and treatment will be reduced
- Do not use Problem Gambling and Addictions Fund to fund regular Addiction and Prevention Services treatment services in the reduced resources budget request because no funding will likely be available this fiscal year
- Do not shift Addiction and Prevention Services funding from State General Fund to Fee Funds in the reduced resources budget request because this one-time revenue will be difficult to recover in future years
- Increase Addiction and Prevention Services provider treatment rates

- Ensure that adequate funding exists for the current provider network to meet client needs through additional revenue, not just through cap and rate increases
- The state's thirteen regional prevention centers have not received a funding increase in over eight years. The benefits of regional prevention centers to Kansas in their efforts to reduce the number of Kansans with future addiction and treatment needs is worthy of financial support

The State has implemented a new system using managed care that has expanded access but may not be serving all the need for services. Failure to continue and expand funding and prompt payment will mean waiting lists and failure to adequately serve Kansas with substance abuse needs. Client demands drive the need for services and there currently exists waiting lists for services. KAAP continues to endorse the SRS request to sustain and expand the services available for Kansans with serious treatment needs that were added during the 2007 and 2008 legislative session. The Legislature must resist the temptation to reduce substance abuse treatment funding during this economic crisis because reduced funding will negatively impact other areas such as corrections and mental health.

■ **Community Based Alternative Sentencing funding for Substance Abuse Treatment Law (SB 123), SB 67 (4th Time DUI treatment), and Therapeutic Community**

- Support FY 2010 Appropriations request for SB 123 treatment to the Kansas Sentencing Commission
- Additionally, the current method of management and funding distribution works efficiently for the state and providers with excellent outcomes. Do not change that system
- A strong and integrated community based system of substance abuse treatment programs suggest there may be a limited need for a large-scale correctional residential substance abuse treatment facility
- Correctional substance abuse treatment programs, particularly the Therapeutic Community programs must not be reduced as they are a successful component of successful treatment and reduced recidivism to the correctional system

KAAP encourages the state to continue fulfilling the commitment to funding treatment of drug offenders sentenced under SB 123, the 2003 law compelling substance abuse treatment instead of incarceration for offenders with simple drug possession offenses and no prior violent criminal history. The new law took effect on November 1, 2003, and substance abuse treatment programs must be fully funded because they are working. The full year funding in FY 2010 will require over \$6 million for treatment. Treatment is working but continued funding for the Kansas Sentencing Commission is essential to provide services and divert people from more costly prison placements. Rate increases and additional new funding are also critical for the continued operation of the SB 67, 4th time DUI treatment program. KAAP encourages the Kansas Department of Corrections to explore and utilize the strong community-based treatment system as they consider establishing a correctional residential treatment facility

Policy

■ **Continued Unmet Needs and Addiction Treatment Implementation**

One national study and one state study have both shown the need for expanded substance abuse treatment. The “Blueprint for the States: Policies to Improve the Ways States Organize and Deliver Alcohol and Drug Prevention and Treatment” states:

- “State governments bear the financial burden of the consequences of drugs and alcohol. They spend over thirteen percent of their budgets on problems related to drug and alcohol use. Less than four percent of this is spent on prevention and treatment, while more than 96 percent pays for the social, health and criminal consequences that result from our failure to apply what we know about how to prevent and treat substance use problems.”

In 2006 SRS funded an external study of the addiction and treatment system in Kansas that resulted in the October 2006 “Kansas Comprehensive Needs Assessment” which resulted in the following:

- Approximately 10 percent of Kansans do not receive the treatment they need
- 150,000 adults and 15,000 adolescents in need of services do not receive them and due to state standards, only one-half of those adults and adolescents in need are even eligible for state-funded services
- Only 12,791 of 225,155 in need of services receive them

Both studies describe a system of needs and insufficient funding. At the same time, the addiction treatment system in Kansas is undergoing profound changes. The implementation of the managed care system has not happened flawlessly. The Legislature needs to monitor the current contract to ensure client needs are addressed. Without careful control by SRS and oversight by the Legislature, clients will continue to receive fewer services and some providers will be out of business. Adequate client care is not being provided due to diminished lengths of stays in treatment. Less care is bad for clients and bad for the state. KAAP pledges to continue to work with SRS and the contractor to see the system utilize best practices to provide for clients and properly fund the current network of providers. Client care reductions and the diminution of the provider network, however, would be too high a cost for the State of Kansas.

■ **Support and sustain integrity of Problem Gaming and Addiction Fund.**

Passage of Senate Bill 66, the Expanded Lottery Act, established the Problem Gaming and Addiction Fund. The Legislature established this fund as part of expanded gaming to ensure that gambling addiction issues and the broader range of addiction treatment issues were funded and addressed. This new dedicated funding source will address long-standing funding deficiencies and co-occurring addiction issues as well as broad-based treatment and prevention services in addition to a research-based approach to evaluating effective treatment options. These funds will be sought by many other agencies and entities, but KAAP supports the Legislature’s continued adherence to the direct intent for which these funds were placed in Kansas law. The distribution of Problem Gaming and Addiction Funds should not happen within the current state contract for other substance abuse treatment funds.

- **Support Improvements to DUI Laws**

Support legislative efforts to enhance public safety by modifying and improving the state DUI laws, particularly plans to enhance treatment options for 1st-3rd time offenders. House Committees during the 2008 legislative session reviewed current DUI laws and examined the limitations of the current system. They explored the benefits of making intensive treatment programs for 4th time offenders applicable to 1st-3rd time offenders. We encourage legislative committees to continue their efforts.

- **Substance Abuse Treatment Parity**

Kansans with substance abuse treatment problems who possess health insurance do not receive the same benefits coverage as physical illness. KAAP supports a legislative effort to implement full parity of benefits under health insurance plans for individuals with health insurance. Any additional costs to the private insurance system will certainly be balanced by expenses otherwise provided by the public substance abuse treatment system.

- **Change Sentencing Laws to Allow 18 months of Treatment Instead of Incarceration**

The 2008 ruling of Holt v. Kansas by the Kansas Court of Appeals and will have a negative impact on the Senate Bill 123 program. The Court opinion may make it more difficult to keep offenders in supervision and treatment for those who need the recommended 18 months of treatment. A growing number of offenders in the program are being released from supervision before their treatment plans have been completed because of the Court's ruling. KAAP supports the introduction of legislation that would clarify the justification for extended supervision to allow 18 months of treatment for appropriate offenders.

- **Continued Need for Prevention Support**

Prevention is a critical component of the state system to provide alcohol and drug treatment. KAAP supports three key elements to sustain and expand the prevention efforts in Kansas.

1. Oppose any reduction in the current legal drinking age from 21 years of age
2. Oppose any legislation allowing for the smoking of marijuana for medical applications