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March 24, 2011

**SAPC BULLETIN NO. #11-02**

TO: Executive Directors  
Offender Treatment Program/Proposition 36 Treatment Providers  
And Interested Others

FROM: John Viernes, Jr., Director *John Viernes, Jr. /cv*  
Substance Abuse Prevention and Control

SUBJECT: **IMPORTANT AND NECESSARY CHANGES TO THE OFFENDER TREATMENT PROGRAM/PROPOSITION 36**

This is to communicate crucial information on the sunset of the Justice Assistance Grant/Offender Treatment Program (JAG/OTP) as funded under the Justice Assistance Grant/American Recovery Reinvestment Act. The JAG/OTP serves offenders who qualify for services under the Proposition 36 program and is a one-time funding source originally set to expire by March 31, 2011. Los Angeles County Substance Abuse Prevention and Control (SAPC), received approval from the California Emergency Management Agency (CalEMA), to extend the JAG/OTP grant award to September 30, 2011, if needed, to fully maximize the existing funds.

In a concerted effort to utilize the dollars and prevent the return of unspent funds to CalEMA, SAPC has reallocated underutilized funds to those JAG/OTP providers that have demonstrated need for additional program dollars. Reallocated funding or any existing funding as of March 31, 2011, must be utilized by June 30, 2011.

SAPC recommends that JAG/OTP providers who have exhausted their original allocations under this funding source implement the following approach in transitioning active participants into alternative funding sources or out of treatment as appropriate based on the program's individual circumstance:

1. Prior to utilizing other alternative funding sources, treatment programs should continue to utilize Drug Medi-Cal as the primary source of treatment billings for eligible participants. In compliance with CCR, Title 9, Division 4, Chapter 2.5, 9533, if a participant referred to treatment services under the Act [Proposition 36] is eligible for Medi-Cal and is referred to a program certified to participate in the Drug Medi-Cal program, the program shall seek Medi-Cal reimbursement for medically necessary services rendered.

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2. Treatment programs that do not hold a Drug Medi-Cal contract, and have maximized their JAG/OTP allocations, may place participants in an alternative funding source provided that he/she is eligible for treatment services under the source of funding. Alternative funding sources may include Third Party Payer, Private Pay, CalWORKS, General Relief, Parolee Services Network, Female Offender Treatment Program and Block Grant funding if available. Where funding is not available, participants will be placed by the Community Assessment Services Center (CASC) on the Treatment, Court, Probation eXchange (TCPX) waiting list for treatment services.
3. Treatment programs are cautioned that absorbing all the existing OTP/ Proposition 36 population on block grant treatment slots or other alternative funding sources, may cause non-criminal justice involved participants to be displaced, many of whom are dependent on services offered through block grant funding, as their only means of receiving treatment services.
4. Treatment programs that have exhausted JAG/OTP funding, and have no alternative funding sources available, are directed to work with the CASC to refer and place existing participants in an approved treatment program in the OTP/ Proposition 36 network or on the TCPX waiting list for treatment services.
5. Block grant funding requires that preferential treatment admission must be given to protected categories, which include:
  - a. Women who meet the criteria for Perinatal funded services;
  - b. Youth – between the age of 18 – 21; and
  - c. When needed, Narcotic Treatment Program participants must be provided with humane detoxification services.
6. Changes effective July 1, 2010, as outlined in SAPC Bulletin 10-02 will remain in effect, until further notice.
7. Treatment programs that accept eligible Proposition 36 participants via another funding source may not exceed the time limits as specified in the July 1, 2010, OTP/Proposition 36 Services Matrix.
8. Drug testing services as provided by Laboratory Corporation of America will continue until further notice.
9. Treatment programs should continue to determine participants' ability to pay for OTP/Proposition 36 treatment services. In compliance with Health and Safety Code (HSC) 11991.5, SAPC requires all contracted treatment programs have in place a Client Fee Determination System that allows providers to determine the appropriate level or share of cost for alcohol and drug treatment services received. HSC requires the charges: 1) to be equitable; 2) not exceed the actual cost; and 3) should consider a client's income and expenses (please refer to ADPA Bulletin 04-08). Where appropriate clients fees should be collected from participants. Providers shall not deny treatment services, because of a client's inability to pay.

Treatment programs are encouraged to step-down participants on a case by case basis. If the treatment program determines, based on clinical judgment that the participant has benefited as much as possible from treatment, the provider should recommend early completion to the Court or Parole. If a participant is found unamenable to treatment, the treatment provider should immediately recommend to the Court or Parole termination for non-compliance. The final decision to terminate, complete or transfer a participant will be determined by the Bench Officer or Parole agent, in conjunction with information provided by the treatment program. Treatment programs may also recommend that participants be placed in a Drug Court program. Actual Drug Court program placements will depend upon available treatment slots and eligibility requirements.

SAPC will continue communicating updates and changes to treatment programs as they become available.

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If you have any questions or need additional information, please contact your assigned Contract Program Auditor or SAPC's Helpline at (888) 742-7900, available Monday to Friday, from 8:00 a.m. to 5:00 p.m.

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