

# Section 35 Commission



**Executive Office of Health & Human Services  
Marylou Sudders, Secretary**

**October 30, 2018  
One Ashburton Place  
Boston, Mass.**



# Agenda



1. Oath, Welcome and Introductions
2. Commission's Charge Overview
3. Commission Members' Expectations and Proposed Agenda for the Commission
4. Review of Open Meeting Law
5. Timeline



# Commission's Charge Overview



- Review medical literature and expert opinions on the long-term relapse rates of individuals diagnosed with substance use disorder following involuntary inpatient treatment.
- Review the differences in outcomes for coerced and non-coerced patients Review potential increased risk of fatal overdose following a period of involuntary treatment
- Review length of time necessary for detoxification of opioids and induction on MAT
- Review **legal implications** of holding a non-court involved individual who is diagnosed with substance use disorder but is no longer under the influence of substances
- Review **current SUD treatment capacity**
- Review the **effectiveness of S. 35 process** at reducing long-term relapse rates

**Evaluate and develop a proposal** for a consistent statewide standard for the medical review of individuals who are involuntarily committed due to an alcohol or substance use disorder pursuant to section 35 of chapter 123 of the General Laws, including, but not limited to, developing:

- (1) a **proposed standardized form and criteria for releasing medical information for use in a commitment hearing** under said section 35 of said chapter 123 that is in compliance with federal and state privacy requirements, and
- (2) **criteria and guidance to medical staff** about filing a petition under said section 35 of said chapter 123.



## Commission's Charge Overview (cont'd)



- Meeting Schedule:
  - October 30, 2018 from 3:00-5:00 pm
  - November 5, 2018 from 3:00-5:00 pm
  - December 6, 2018 from 3:00-5:00 pm
  - February 28, 2019 between 2:00-5:00 pm
  - April 25, 2019 between 2:00-5:00 pm, tentative
  - May 23, 2019 between 2:00-5:00 pm, tentative
  - June 27, 2019 between 2:00-5:00 pm, tentative
- Final report due to the legislature on **July 1st, 2019**



# Proposed Agenda for Each Meeting



Proposed strategy: the commission will dedicate each meeting to answering specific questions

Proposed Meeting Agenda	Commission Charge discussed during meeting
<p data-bbox="92 534 340 562"><b>November 5, 2018</b></p> <p data-bbox="92 622 195 651"><u><b>Agenda</b></u></p> <ol data-bbox="92 665 761 959" style="list-style-type: none"><li data-bbox="92 665 761 736">1. Presentations on detoxification and induction on MAT<ul data-bbox="189 751 761 959" style="list-style-type: none"><li data-bbox="189 751 761 822">▪ Colleen T LaBelle, MSN, RN-BC, CARN (confirmed)</li><li data-bbox="189 836 761 908">▪ Alexander Y. Walley, MD, MSc (confirmed)</li><li data-bbox="189 922 761 959">▪ Expert on Vivitrol (TBD)</li></ul></li></ol>	<p data-bbox="801 534 1769 651"><b>The Commission must review medical literature and expert opinions on length of time necessary for detoxification of opioids and recommended time following detoxification to begin medication-assisted treatment.</b></p>



# Proposed Agenda for Each Meeting



Proposed Meeting Agenda	Commission Charge discussed during meeting
<p><b>December 6, 2018</b></p> <p><u>Agenda</u></p> <ol style="list-style-type: none"> <li>1. Medical literature will be sent out prior to meeting</li> <li>2. Commission will hear from a panel of experts</li> </ol>	<p>The Commission must review medical literature and expert opinions on the long-term relapse rates of individuals diagnosed with substance use disorder</p> <ul style="list-style-type: none"> <li>• What experts would the Commission like to hear from?</li> </ul>
<p><b>February 28, 2019</b></p> <p><u>Agenda</u></p> <ol style="list-style-type: none"> <li>1. DPH presents capacity analysis</li> </ol>	<p>The Commission must review whether the current capacity, including acute treatment services, clinical stabilization services, transitional support services and recovery homes, is sufficient to treat individuals seeking voluntary treatment for substance use disorder.</p> <p>The Commission must review the availability of other treatments for substance use disorder, including those treatments used in less restrictive settings. Prior to the 1<sup>st</sup> meeting a chart of the number of substance use and mental health treatment beds in the Commonwealth, as well as substance use outpatient treatment capacity was provided.</p> <ul style="list-style-type: none"> <li>• DPH to conduct an analysis of the current capacity in the system and present the analysis to the commission</li> <li>• Is there additional information the Commission would like on this topic to aid in the discussion?</li> </ul>



# Proposed Agenda for Each Meeting

Proposed Meeting Agenda	Commission Charge discussed during meeting
<p><b>April 25, 2019</b></p> <p><u><b>Agenda</b></u></p> <ol style="list-style-type: none"> <li>1. Presentation from legal working group</li> </ol>	<p><b>The Commission must Evaluate and develop a proposal for a consistent statewide standard for the medical review of individuals who are involuntarily committed due to an alcohol or substance use disorder pursuant to section 35 of chapter 123 of the General Laws, including, but not limited to, developing: (1) a proposed standardized form and criteria for releasing medical information for use in a commitment hearing under said section 35 of said chapter 123 that is in compliance with federal and state privacy requirements, and (2) criteria and guidance to medical staff about filing a petition under said section 35 of said chapter 123.</b></p> <p><b>The Commission must review the legal implications of holding a non-court involved individual who is diagnosed with substance use disorder but is no longer under the influence of substances.</b></p> <ul style="list-style-type: none"> <li>• <b>Prior to this meeting DPH, DMH, and Judge Carey’s staff were asked to craft recommendations related to both charges and make recommendations to the Commission.</b></li> <li>• <b>Is there additional information the Commission would like on this topic to aid in the discussion?</b></li> </ul>



# Proposed Agenda for Each Meeting



Proposed Meeting Agenda	Commission Charge discussed during meeting
<p data-bbox="92 372 276 401"><b>May 23, 2019</b></p> <p data-bbox="92 462 198 491"><u><b>Agenda</b></u></p> <ol data-bbox="92 505 537 796" style="list-style-type: none"> <li data-bbox="92 505 479 534">1. Presentations from DPH</li> <li data-bbox="92 548 527 662">2. Discussion around effectiveness of involuntary treatment</li> <li data-bbox="92 676 537 796">3. Discussion around proposed recommendations to the legislature</li> </ol>	<p data-bbox="595 372 1754 444"><b>The Commission must review the differences in outcomes for coerced and non-coerced patients.</b></p> <p data-bbox="595 458 1792 529"><b>The Commission must review any potential increased risk of an individual suffering a fatal overdose following a period of involuntary treatment.</b></p> <p data-bbox="595 544 1821 658"><b>The Commission must review the effectiveness of the existing involuntary commitment procedures pursuant to section 35 of chapter 123 of the General Laws at reducing long-term relapse rates.</b></p> <ul data-bbox="595 672 1821 882" style="list-style-type: none"> <li data-bbox="595 672 1783 743">• DPH to conduct an analysis of the differences in outcomes for patients and present the analysis to the commission?</li> <li data-bbox="595 758 1821 882">• DPH to conduct an analysis of any potential increased risk of an individual suffering a fatal overdose following a period of involuntary treatment and present the analysis to the commission?</li> </ul>



# Proposed Agenda for Each Meeting



**June 27, 2019**

**Agenda**

1. Review document capturing recommendations to the legislature from the last meeting
2. Review proposed final deliverable

**Final deliverable development and finalization**



# Review of Open Meeting Law



## Open Meeting Law

- Our meetings are subject to the open meeting law.
- Each member must complete the Certificate of Receipt of Open Meeting Law Materials certifying receipt and understanding of materials.
- All of our meetings must be held in public and notice of the meeting and the agenda must be provided to the public at least 48 hours in advance.
- Under the OPL, members cannot communicate with a quorum (simple majority) of the members regarding topics before this commission (in person or via email) outside of a public meeting.
- For any questions about the Open Meeting Law, contact the Attorney General's Division of Open Government at (617) 963-2540 or [openmeeting@state.ma.us](mailto:openmeeting@state.ma.us).
- Additional information can be found at: <https://www.mass.gov/the-open-meeting-law>



# Timeline



## Key Dates

- Next meeting: November 5, 2018 from 3:00-5:00 pm
- December 6, 2018 from 3:00-5:00 pm
- February 28, 2019 (between 2-5 pm)
- April 25, 2019 (between 2-5 pm), tentative
- May 23, 2019 (between 2-5 pm), tentative
- June 27, 2019 (between 2-5 pm), tentative
- **June 30, 2019 – Report submission to the legislature**



# Commission Members



**Marylou Sudders (Chair)**  
Secretary, Health and Human Services

**Monica Bharel, MD, MPH**  
Commissioner, DPH

**Michael Finn**  
Mass. State Representative

**Cindy Friedman**  
Mass. State Senator

**Ruth Balsler**  
Mass. State Representative

**William Brownsberger**  
MA State Senator

**Neal S. Hovey**  
Sergeant, Topsfield Police

**Leo Beletsky, JD, MPH**  
Associate Professor of Law & Health Sciences,  
Northeastern University

**Hon. Paula M. Carey**  
Chief Justice, Mass. Trial Court

**Sabrina Selk**  
Director, Health Equity, DPH

**Maryanne Frangules**  
Executive Director, Massachusetts Organization  
for Addiction Recovery

**David Munson, MD**  
Medical Director, Respite Program

**Carol Mallia, RN, MSN**  
Associate Director, Department of Nursing



## Commission Members (cont'd)



**Carrie Jochelson, PMGCNS-BC**

**Kristin Beville**

Director of Social Work, McLean Hospital

**Jessie Rossman**

Staff Attorney, ACLU of Mass.

**Mark Larsen**

Director, Mental Health Litigation,  
Committee for Public Counsel Services

**Leigh Youmans**

Sr. Manager Behavioral Health & Healthcare  
Policy, Mass. Health & Hospital Association

**David G. Stewart, PhD, ABPP**

Chief of Psychology, Cambridge Health Alliance

**Alain Chaoui, MD**

President, Massachusetts Medical Society

**Mark Green, MD**

Addiction Psychiatrist, Psych Garden

**Scott Weiner, MD, MPH**

President, Mass. College of Emergency  
Physicians

**Todd Kerensky, MD**

Medical Director, Outpatient Opioid Treatment  
Program, Spectrum Health

**Vicker V. DiGravio III**

President/CEO, Association for Behavioral Health

**Marcia Fowler**

CEO, Bournemouth Health Systems