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Governor



Duncan ShROUT
Chairperson

Scott Stokes
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Mary Rasmussen
Secretary

State of Wisconsin

State Council on Alcohol and Other Drug Abuse

1 West Wilson Street, P.O. Box 7851
Madison, Wisconsin 53707-7851

PLANNING AND FUNDING COMMITTEE MEETING

November 17, 2016

9:30 a.m.

1409 Emil St., MADISON

Please call LeeAnn Cooper at (608) 266-2453 or e-mail leeann.cooper@wisconsin.gov if you are not able to attend.

- 9:30 a.m. Call to Order – Joyce O’Donnell
- 9:35 a.m. Review of October 13, 2016, meeting minutes – Joyce O’Donnell
- 9:40 a.m. Public comment – Joyce O’Donnell
- 9:45 a.m. Trauma informed care discussion – Lalena Lampe, DHS
- 10:15 a.m. SABG Needs Assessment workgroup – Joyce O’Donnell
- 10:30 a.m. Workforce development update – Norman Briggs, ITC
- 10:45 a.m. Funding report review and follow-up - Todd Campbell
- 11:15 p.m. Discussion of taxing e-cigarettes, Joyce O’Donnell
<http://dpi.wi.gov/sspw/aoda/tobacco-program>
- 11:30 p.m. Review of party platforms and strategies to address them – Emanuel Scarbrough
- 12:00 p.m. Follow-up from public forum at the SA&MH conference – Todd Campbell
- 12:15 p.m. Committee and agency reports – Committee members
- 12:30 p.m. Agenda items for next meeting
- 12:45 p.m. Adjourn



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PLANNING AND FUNDING COMMITTEE MEETING

October 13, 2016

Meeting Minutes

Call to Order – Joyce O’Donnell

Ms. O’Donnell called the meeting to order at 9:34 a.m.

Present: Joyce O’Donnell, Emanuel Scarbrough, Todd Campbell, Brian Dean (until 11:03 a.m.), Duncan ShROUT, Irene Secora (joined by teleconference at 10:54 a.m.)

Excused: Sally Tess, Karen Kinsey

Guests: Norman Briggs

Staff: LeeAnn Cooper, Anthony Ernst

Review of August 11, 2016, meeting minutes

Mr. Campbell moved, seconded by Mr. Dean to approve the minutes. Passed unanimously.

Public comment

No public comments

Report on September SCAODA meeting

Ms. O’Donnell reported that elections were held and the current SCAODA officers will continue to serve for 2017. A report was presented by the Division of Public Health on diversion of prescription drugs. The four legislators, or their staff, have been consistently attending SCAODA meetings in the last year. Ms. O’Donnell shared that the Governor has created an Opioid task force of which most of the legislators on SCAODA will sit as well as Michael Waupoose. The hope is that the taskforce will provide a vision and financial assistance to address the opioid epidemic. She also shared that Rep. Nygren now recognizes that the focus needs to be wider than just opioids and that SCAODA seems much more interested in excise taxes even though the tavern league’s influence on legislators is great.

Mr. ShROUT shared that he is considering establishing an ad hoc committee to address recovery, incorporating it into the treatment continuum.

Medicaid reimbursement rates and workforce development – Norman Briggs, ITC

Mr. Briggs requests that P&F and ITC work together on these issues. He shared that Medicaid reimbursement rates for substance abuse counselors in other states are two to three times higher than in Wisconsin which contributes to a shortage of providers, particularly in border counties. Mr. Briggs reported that Kevin Moore was asked to calculate

reimbursement for substance abuse counselors so that ITC could calculate the impact of increasing the rates. Roger Fringe, ITC co-chair, is going to follow up with the new Medicaid director at the Department of Health Services. Mr. Briggs shared that a member of ITC has Americorp in her area and is looking into using that staff to do a survey of border counties. The survey will collect information about whether agencies are having difficulty recruiting and/or retaining substance abuse counselors and if so, why. They may then follow-up to ask directors of those agencies to contact their legislators. They hope to have a report by ITC's November meeting, possibly sending it to SCAODA for consideration at their December meeting. Mr. Briggs shared that currently 40-45% of AODA providers in Wisconsin are masters prepared. Planning and Funding members suggested adding additional questions to the survey, such as:

- Have you ever billed for Medicaid? If no, end survey.
- How long do positions sit vacant throughout the year?
- What is your staff turnover rate on an annual basis?
- How many years of experience do staff have and what are their credentials?

Mr. Briggs reported that the ad hoc workforce committee is tasked with doing an environmental scan of the workforce, funding and treatment services to better help the task force to move forward. He reported that Chippewa Valley Technical College and Waukesha County Technical College both have tracks to become certified substance abuse counselors but that they are having difficulty finding places for students to get work experience.

Mr. Campbell shared that he attended a webinar about Nebraska's efforts to recruit substance abuse counselors and said it took legislative action and commitment for funding to allow schools to go into the community to link to students in technical college programs.

Dr. Ernst reported that SCAODA needs to produce a cost-benefit analysis report addressing workforce and its challenges.

Mr. Briggs reported that the Department of Safety and Professional Services (DSPS) has put together a committee to review SPS 160-168, Wis. Admin. Codes. He shared that the DSPS Deputy Secretary and a policy analyst attended the ITC workforce meeting and that they are willing to look at everything in SPS 160-168, Wis. Admin. Codes, with some limitations based on current statutory language. Mr. Campbell said he will address this at the public forum at the Substance Abuse and Mental Health Conference in October.

Discussion with BPTR section chief – Dr. AJ Ernst

Dr. Ernst announced his resignation. He shared there was a recovery rally in September on the lawn of the Capitol with about 500-700 in attendance. This is the 3rd year for the rally. DHS contracts with Wisconsin *Voices for Recovery* to host it. He spoke about concerns around access to treatment due to our county system. He shared that UW-Madison recognizes *Livefree* for college students in recovery which is now working with the student health clinic to develop a protocol for when to refer students. He reported that DHS 62, Wis. Admin. Code, is opening soon and that DHS 75, Wis. Admin. Code, may open next year. Dr. Ernst reported that the section is working to incorporate accountability in all training programs sponsored by the Department by verifying skill competency at the end of training as well as the implementation to fidelity.

Dr. Ernst shared that the Division of Care and Treatment Services received a \$1 million grant per year for five years to address opioids through the purchase of naloxone for and training of first responders and others as defined by the state. He shared that DCTS is piloting a "warm handshake" in the CARE program in Sauk County by using recovery

coaches. This pilot will be expanding into Columbia and Richland Counties in the future. DCTS has received a second grant of \$371,000/year for 5 years to provide education about opiates and to develop and support a data warehouse. He reported that the Bureau of Prevention Treatment and Recovery has increased prevention funding and is looking at performance outcomes for all vendors. He shared that the substance abuse section currently has two vacant positions: Kris Moelter's position has been filled with Michael Derr who is starting on Monday along with the project coordinator for the CARE grant. The Substance Abuse Treatment Coordinator position is being posted. He also reported that Wisconsin now has a standing order for anyone to go to a pharmacy to get naloxone and that the IV drug grant will be going out for RFP soon. He is uncertain there will be any bridge funding in the interim since there will be a gap between grants ending and the RFP awards.

Discussion and taxes of e-cigarettes

Mr. Dean reported that the Department of Public Instruction (DPI) has a model policy regarding e-cigarettes and is promoting it to schools so many schools have put a policy in place. DPI will support prevention work if there is any additional funding. Mr. Dean shared he will send the policy to Ms. Cooper who will send it to the committee.

Ms. O'Donnell reported that she talked with Matt Sweeney from the Department of Revenue and learned that there are no taxes collected on e-cigarettes. There was some discussion that this is a regressive tax falling on lower income individuals. Since e-cigarettes may cause medical problems, the purpose for taxing them is to discourage people from using this product. There was some discussion that since we don't fully know the harm of e-cigarettes, do we want to discourage its use over regular cigarettes. Is it harm reduction if it is a better option than cigarettes. More discussion and information is needed.

Discussion of public forum at the SA&MH conference October 26-27, 2016

Mr. Campbell will lead the public forum. Mr. Scarbrough, Mr. Dean and Dr. Ernst will also be in attendance.

The committee recommended that Planning and Funding public forum merge with the consumer meeting going on at the same time as an opportunity to hear from those who use the treatment system. Dr. Ernst and Mr. ShROUT will followup with Patrick Cork, DCTS Administrator, about joining these sessions this year.

The goal will be to share SCAODA reports, to discuss opioid epidemic and workforce issues including agencies' difficulties with retaining Substance Abuse Counselors, how to use (and pay for) peer support, and P&F work plan for 2017.

Committee and agency reports – Committee members

Department of Corrections. Ms. Tess submitted a written update reporting that the Division of Community Corrections (DCC) continues to explore an expansion of their Vivitrol pilot beyond the Fox Valley area. The pilot involves starting people on Vivitrol prior to release with a referral to a community provider for continued treatment once released. She reported that community corrections continues to struggle with a large number of offenders overdosing on heroin and that there are limited treatment resources available. DCC has an oversight group looking at how to incorporate a trauma-informed care approach to working with offenders. They have also identified secondary trauma in staff as a key concern.

Mr. ShROUT reported that the Milwaukee County Mental Health board has been very busy with opioid issues and that the board is looking at a number of initiatives.

Mr. Campbell reported that the Dane County budget is in process and the County Executive has added funding for *Safe Communities*' to have peer specialists available to Emergency Departments to respond to overdoses by providing support and walking with patients to a treatment agency. Madison Police Department has received a grant to loosely recreate a program out of Massachusetts that allows people to turn in their drugs and paraphernalia to get assistance in getting into treatment. It is a diversion option to keep them out of jail.

Ms. Secora reported there have been 698 grants awarded in the nation with 21 in WI. Seventeen of them are continuation grants, 3 are new and one is a second year mentoring grant. She reported that 27th Street did not get their 6th year grant so their term ends Sept 30, 2016. Ms. Secora reported that she is not continuing in her position.

Agenda items for next meeting

e-cigarettes

TIC – would like someone who can direct discussion

Follow up on the listening session – Mr. Campbell

Discuss strategy from the funding report

Follow-up report on workforce – Mr. Briggs

Committee to review party platforms and formulate strategies to address them.

Reviewed potential meeting dates. Ms. Cooper will send dates to the committee.

Motion to Adjourn at 12:41 p.m.

Mr. Campbell moved, seconded by Ms. Secora. Motion passed.

Next meeting: November 17

2017 meeting dates:

January 12, 2017

February 16, 2017

April 13, 2017

May 11, 2017

July 13, 2017

August 10, 2017

October 12, 2017

November 16, 2017

E-Cigarettes and WI Youth Access State Statute

From

Vicki Stauffer, Section Chief

Wisconsin Tobacco Prevention and Control Section, Department of Health Services



There have been many questions about youth access laws and e-cigarettes regarding whether retailers can sell e-cigarettes to minors and if minors are allowed to purchase and possess e-cigarettes. TPCP has received clarification from the Department of Health Services Office of Legal Counsel on both of these points.

WI Statute 134.66 states no retailer may sell cigarettes, nicotine products or tobacco products to any person under the age of 18.

WI Statute 254.92 states no person under 18 years of age may purchase, attempt to purchase, or possess any cigarette, nicotine product, or tobacco product.

According to WI Statute 134.66(f), the definition of “nicotine product” is a product that contains nicotine and is not any of the following:

1. A tobacco product
2. A cigarette
3. A product that has been approved by the U.S. food and drug administration for sale as a smoking cessation product

Because e-cigarettes contain nicotine, they are covered by both state statutes 134.66 and 254.92. Specifically, it is illegal for retailers to sell e-cigarettes with nicotine to anyone under the age of 18 years old. It is also illegal for anyone under the age of 18 to purchase or possess e-cigarettes with nicotine.

Sample Comprehensive Tobacco-Free School Policy

Purpose

The [DISTRICT NAME] Board of Education recognizes that the use of tobacco products, including electronic cigarettes, is a health, safety, and environmental hazard for students, staff, visitors, and school facilities. The board is acutely aware of the serious health risks associated with the use of tobacco products, both to users and non-users. The Board embraces its obligation to promote positive role models in schools, and to provide an environment for learning and working that is safe, healthy, and free from unwanted smoke and tobacco use for the students, staff, and visitors.

Policy

It shall be a violation of this policy for any student of [DISTRICT NAME] to possess, consume, display, or sell any tobacco products, tobacco-related devices, or electronic cigarettes at any time on school property or at off-campus, school-sponsored events.

It shall be a violation of this policy for any staff, administrator, or visitor of [DISTRICT NAME] to consume, display, or sell any tobacco products, tobacco-related devices, or electronic cigarettes at any time on school property or at off-campus, school-sponsored events.

Definitions

The term “any time” means during normal school and non-school hours.

The term “electronic cigarette” means any oral device that provides a vapor of liquid nicotine, and/or other substance, and the use or inhalation of which simulates smoking, including, e-cigarettes, e-cigars, e-pipes, e-hookahs, vaping devices or devices under any other product name or descriptor.

The term “school property” means all property under control of the school district, whether owned, rented, or leased including but not limited to all vehicles.

The term “tobacco product” means any product containing, made, or derived from tobacco that are intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means. Including but not limited to, cigarettes, cigars, little cigars, dry snuff, moist snuff/chewing tobacco, and snus.

The term “tobacco-related devices” means ashtrays, cigarette papers or pipes for smoking or any components, parts, or accessories of electronic cigarettes, including cartridges.

Enforcement

The success of this policy will depend upon the thoughtfulness, consideration, and cooperation of both tobacco-users and non-users. All individuals on school premises including students, staff, administrators, and visitors share in the responsibility for adhering to and enforcing this policy.

Students

First violation shall result in any or all of the following: confiscation of tobacco products, electronic cigarettes and/or tobacco related devices, notification of parents, citation, and/or fine.

Second violation shall result in any or all of the following: confiscation of tobacco products, electronic cigarettes and/or tobacco related devices, notification of parents, citation, and/or fine plus 1 day out-of-school suspension and offer students information about cessation services available.

Third violation shall result in any or all of the following: confiscation of tobacco products, electronic cigarettes and/or tobacco related devices, notification of parents, citation, and/or fine plus 1-2 day out-of-school suspension and offer student information about cessation services available.

*Any offense will also carry a recommendation to participate in an assessment program.

Staff/Administrators

First violation shall result in a verbal warning to the staff member, and an offer of a referral to cessation services.

Second violation shall result in a written warning to the staff member with a copy placed in his or her district personal file, and an offer of referral to cessation services.

Third violation shall be considered insubordination and shall be dealt with accordingly based on established policies and procedures for suspension and/or termination of staff.

Visitors

Visitors who are observed violating this policy shall be asked to comply with [DISTRICT NAME] tobacco- and nicotine-free policy. If the visitor fails to comply with the request, his or her violation of the policy may be referred to the building principal or other school district supervisory personnel available. The supervisor shall make a decision on further action that may include a directive to leave school property. Repeated violation may result in a recommendation to the superintendent to prohibit the individual from entering school district property for a specified period of time. If he or she refuses to leave, the police may be called.

Optional policy provision:

It shall be a violation of this policy for [DISTRICT NAME] to solicit or accept any contributions, gifts, money, curricula, or materials from the electronic cigarette industry, tobacco industry, tobacco-related device industry or from any tobacco products shop.

Sample School Board Resolution on Other Tobacco Products

WHEREAS the Tobacco industry has begun to release new products that are less readily identified as tobacco products; and,

WHEREAS these products are addictive in nature and detrimental to student development; and

WHEREAS the Tobacco companies are putting large sums of money into creating and marketing these new products; and,

WHEREAS these products are almost indistinguishable from candy and mints because of their packaging, shapes, and flavors; and,

WHEREAS (Adopting School System) already prohibits the use of cigarettes and chewing tobacco on school grounds; and

WHEREAS these new tobacco products provide the same significant health concerns and are illegal for school-aged children to purchase; and

WHEREAS it is the responsibility of our school system to protect students from the health threat that these insidious products represent; now, therefore, be it;

"RESOLVED, that (Adopting School System) will strictly enforce the policy of having a tobacco-free campus to include all nicotine-containing products except FDA-approved cessation products."

RESOLVED further, that faculty and staff will be educated to better identify these products and to help prevent students from being afforded opportunities to use these products while at school, and be it,

RESOLVED further, that efforts will be made to educate students about these products and the health harm that they represent.