



COMMITTEE ON
Alcoholism and Drug Abuse

2019 ANNUAL REPORT

NEW YORK STATE ASSEMBLY



CARL E. HEASTIE, *Speaker*

LINDA B. ROSENTHAL, *Chair*



LINDA B. ROSENTHAL
Assembly Member 67th District

THE ASSEMBLY
STATE OF NEW YORK
ALBANY

CHAIR
Committee on Alcoholism and Drug Abuse

COMMITTEES
Agriculture
Codes
Health
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DIRECTOR
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December 15, 2019

Honorable Carl E. Heastie
Speaker of the Assembly
Legislative Office Building, Room 932
Albany, NY 12248

Dear Speaker Heastie:

On behalf of the Assembly Standing Committee on Alcoholism and Drug Abuse, I respectfully submit the Committee's 2019 Annual Report. During my tenure as Chair, I have engaged with the substance use prevention, treatment and recovery community by convening meetings with stakeholders and holding hearings on various topics relevant to the committee. Additionally, I have attended and participated in numerous events that were held to highlight key initiatives and address challenges for substance dependence prevention, treatment and recovery providers. In light of the fact that the epidemic has continued to grow, despite steps taken by the legislature, I will continue to advocate for the investment of additional resources in effective prevention, treatment and recovery programs statewide.

The State Fiscal Year (SFY) 2019-2020 Enacted Budget continued funding support for heroin and opiate abuse prevention, treatment and recovery services and expanded access to these services for people who have been afflicted by the opioid epidemic across New York. Specifically, the enacted budget provided additional funding for medication-assisted treatment programs in county jail facilities, continued funding for the Behavioral Health Ombudsman, and made various changes to the laws governing insurance policies to ensure increased access to behavioral health treatment and services.

In the upcoming legislative session, the Committee will continue to examine, develop and consider policies designed to help every New Yorker impacted by a substance use disorder. I look forward to working with you and my Assembly colleagues to ensure that effective prevention, treatment and recovery services are accessible to all individuals and families who are affected by substance use disorder and problem gambling.

Thank you for your continued commitment to fighting the opioid crisis throughout the state.

Sincerely,

Linda B. Rosenthal
Chair
Assembly Committee on Alcoholism and Drug Abuse

**2019 ANNUAL REPORT
OF THE
NEW YORK STATE ASSEMBLY
STANDING COMMITTEE ON ALCOHOLISM AND DRUG ABUSE**

**Linda B. Rosenthal
Chair**

Committee Members

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Maritza Davila
Michael G. DenDekker
Nathalia Fernandez
Judy Griffin
John McDonald III
Dan Quart
Karines Reyes
Al Stirpe

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Melissa Miller

Michael Reilly

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Nicholas Guile – Committee Clerk

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I. INTRODUCTION

The Assembly Committee on Alcoholism and Drug Abuse develops and considers legislation impacting programs that provide prevention, treatment, and recovery services for individuals and families in New York State.

The Committee has oversight over the New York State Office of Addiction Supports and Services (OASAS) to ensure that policies and initiatives will improve access to and expand prevention, treatment, and recovery services statewide.

OASAS oversees a service system that includes more than 1,600 prevention, treatment and recovery programs. These programs deliver services to approximately 100,000 individuals on any given day and approximately 234,000 people each year. OASAS also operates 12 Addiction Treatment Centers (ATCs), which provide inpatient rehabilitation services to roughly 8,000 persons each year, and oversees a comprehensive education and prevention program located in 160 school and community-based providers throughout the state.

The Office provides education and training to professionals working with clients and administers a professional credentialing process for addiction professionals, including certified alcoholism and substance abuse counselors, prevention professionals and specialists, and problem gambling counselors.

II. STATE BUDGET HIGHLIGHTS

The Committee carefully considered funding priorities and how to effectively allocate resources. Some of the highlights from the SFY 2019-20 Enacted Budget include:

A. Heroin and Opioid Abuse Prevention, Treatment, and Recovery Services Funding

With the continuing surge in the heroin and opioid epidemic, the SFY 2019-20 Budget provides **\$211.6 million** to the Office of Addiction Supports and Services (OASAS), to support Opioid Abuse Prevention and Treatment Services, as well as a \$10 million restoration of capital funding.

In addition to the continued support, the legislature provides an increase of \$7.9 million in funding over the Executive proposal, which was allocated in recognition of the need for more support and services to expand upon necessary and effective substance use prevention, treatment and recovery services across the state.

This funding will support a variety of programs and initiatives, including:

- **State-Operated Addiction Treatment Centers (ATC) (\$30 million):** This funding supports individuals with heroin/opiate use disorders that seek treatment in the state-operated ATC programs.
- **Narcan Kit Program (\$8.4 million):** This funding supports the purchase of Narcan kits at the State's Opioid Overdose Prevention Programs.
- **Jail-Based Substance Use Disorder Treatment (\$4.75 million):** The Legislature provided an additional \$1 million to expand substance use disorder treatment services in county jails, for a total of \$4.75 million.
- **Mental Health Ombudsman Program (\$1.5 million):** This funding supports an independent substance use disorder and mental health ombudsman program.

B. Substance Abuse Prevention and Intervention Specialists (SAPIS)

A SAPIS worker provides violence and drug prevention and intervention services, including individual, group, family and crisis counseling; classroom presentations; peer programming; social skills groups; and where necessary, referrals to professional services.

The SFY 2019-20 Enacted Budget provided **\$16.9 million** for the continuation of prevention and treatment services for problem gambling and chemical dependency prevention that are delivered by SAPIS workers.

C. Worker Wage Increases

The Legislature provided funding for salary increases for direct support professionals, direct care workers, and clinical staff employed by the Office of Mental Health (OMH), the Office of Addiction Supports and Services (OASAS), and the Office for People with Developmental Disabilities (OPWDD). Direct care and direct support staff would receive a 2.0 percent increase on January 1, 2020 and direct

care workers, direct support professionals, and clinical staff would receive another 2.0 percent increase on April 1, 2020, for a total of \$80 million. OASAS providers are estimated to receive \$700 million in SFY 2019-20.

III. SIGNIFICANT LEGISLATION

The Committee is dedicated to supporting legislation that will help ensure the highest quality of care for persons with substance use and problem gambling issues. In the 2019 legislative session, the Committee developed and advanced important pieces of legislation which included:

- 1. Report on Status and Outcomes of Heroin and Opioid Epidemic Initiatives A.1068** (Rosenthal, L)/S.4650 (Sanders); Signed, Chapter 493

Continuing the fight against the heroin and opioid epidemic, this bill would require OASAS to provide quarterly reports on the status and outcomes of various initiatives to address the crisis. This would enable OASAS to increase their efficacy by providing a comprehensive method of aggregating information in order to see a broad view of issues and shortcomings that still exist within the prevention, treatment, and recovery continuum for substance use disorders.

- 2. Problem Gambling Advisory Council A.590A** (Rosenthal, L)/S.3103A (Biaggi); Passed Assembly

According to the National Council on Problem Gambling, 85% of adults have participated in gambling at least once in their life, and approximately six to eight million people experience issues with problem gambling; while research shows that many of the people included in this figure practice responsible gambling, at least two million individuals meet the criteria for compulsive gambling.

This legislation would establish the Problem Gambling Advisory Council, which would develop findings and make recommendations to the Governor and the Legislature on how to prevent and treat problem gambling in New York. The Council would be required to produce an annual report that includes recommendations on how to allocate the \$500 machine and table fees collected for the purposes of addressing problem gambling.

- 3. Statewide Gambling Evaluation A.591** (Rosenthal, L)/S.5703 (Sepulveda); Signed, Chapter 576

Like any addictive substance, any individual who participates in gambling is at risk of becoming addicted to it. Likewise, individuals who already experience addiction or who have familial ties to addiction are more at risk of developing another. It is important to understand the scope of these gambling issues throughout the state in order to combat them and prevent further compulsive gambling from occurring. This legislation would require the Commissioner of OASAS, in consultation with the New York State Gaming Commission, to conduct a statewide evaluation regarding the extent of gambling by New York State residents.

- 4. Renaming of the Office of Alcoholism and Substance Abuse Services A.7347** (Rosenthal, L)/S.6591 (Harckham); Signed, Chapter 281

For years there has been a stigma surrounding populations suffering from substance use disorder and their respective treatment and recovery. This stigma is damaging to those individuals as it portrays them not as having a chronic illness, but as having character deficiencies. The medical community now knows that this is not the case, and the state has taken steps to correct this damaging stigmatization which has been perpetuated for years; substance use disorder is a medical disease and should be addressed as such. This legislation follows the lead of the DSM-V by eliminating old terms such as “alcoholism” in favor of more inclusive language. This legislation changes the name of OASAS to the Office of Addiction Supports and Services, and it removes stigmatizing and demeaning language from the Mental Hygiene Law.

5. Annual Inmate Substance Use Disorder Report A.4943 (Rosenthal, L)/S.6288 (Sepulveda); Passed Assembly

OASAS and advocates have long known that abstinence policies for the treatment of substance use disorders are ineffective, but unfortunately the vast majority of the state’s local correctional facilities still implement a similar approach. According to DOCCS, about 78% of all New York inmates have been diagnosed with a substance use disorder (SUD). Medication assisted treatment (MAT) are widely recognized as the most effective long term evidence-based treatment for individuals suffering from SUD. Studies have shown that it not only treats the disorder, but also prevents relapse. Incarcerated individuals face increased risks of relapse and overdose upon their release due to decreased tolerance. Additionally, inmates suffering from SUD are more likely to be re-incarcerated due to drug use or possession.

This legislation would require OASAS to provide an annual report on the amount of inmates suffering from substance use disorder, the types of substances most commonly used in correctional facilities, and the number of individuals receiving treatment in those facilities. This information will help the state better address how to treat these populations, and will be important to larger issues surrounding decreasing recidivism and overdose rates of recently released inmates.

6. Online Directory for Distributors of Opioid Antagonists A.307 (Rosenthal, L)/S.4499 (Harckham); referred to Ways and Means

Overdose deaths from opioids can be entirely preventable given the correct tools and medication. Naloxone, the primary medication used to reverse opioid overdose, is an affordable and life-saving treatment. Naloxone is available for free at registered opioid overdose prevention programs, and the state has made strides by offering standing orders for Naloxone at pharmacies and through the implementation of the Naloxone Copayment Assistance Program. With these measures, New York residents should be able to easily access this medication; but that is not the case. According to the Journal of New England Medicine, there is still a lack of familiarity and a stigma surrounding Naloxone.

This legislation would expand upon the state’s efforts to increase access to overdose reversal drugs by requiring OASAS to maintain a directory of all distributors of opioid antagonists. This directory would include, but not be limited to, pharmacies, not-for-profits and treatment programs.

7. Council for Treatment Equity A.692 (Rosenthal, L)/S.5440 (Harckham); referred to Ways and Means

Many vulnerable populations across the state, including communities of color, low-income individuals and people with disabilities, to name a few, face significant disparities in access to quality care and services for substance use disorders. Developing programs and policies for increased access to care and treatment in these communities is vital. In addition to improved access and quality of care, we must be respectful of the diversity of beliefs and health practices, as well as cultural and language needs. By raising awareness of the disparities that exist, we can help remove serious obstacles to treatment and recovery.

This legislation would require that a Council for Treatment Equity be created to address substance use disorder disparities amongst vulnerable populations across New York State.

8. Prom and Graduation Safety Program A.1039 (Rosenthal, L); referred to Ways and Means

The end of the school year can bring much joy and anticipation, but all too often this time is marked by tragedy for teenagers and their families. Prom and graduation are well known as some of the most dangerous times for teenagers on the road. Teenagers are already amongst the groups most at risk of being involved in a motor vehicle crash, which increases when they are unsupervised and when drugs or alcohol are involved. According to a 2017 Youth Risk Behavior survey conducted by the CDC, 16.5% of high school students had been in a car with a driver under the influence in the previous month. In the same year, about 6 teenagers died every day due to car accidents, and hundreds more were injured.

This legislation seeks to address this issue, and would establish a prom and graduation safety program, which would focus on ensuring the safety of adolescents by making them aware of the dangers of the use and abuse of substances.

IV. LEGISLATIVE HEARINGS

A. Adequacy of Funding for Prevention, Treatment, and Recovery Services

December 17, 2019, New York City

Opioid addiction continues to be a persistent issue for New York State and across the country. Despite continued support for crucial substance use disorder services, there has been a continued rise of opioid overdose deaths throughout the state. On December 17, 2019, the Assembly Standing Committee on Alcoholism and Drug Abuse convened a hearing on the adequacy of funding for prevention, treatment, and recovery services in New York State, identifying necessary additional resources needed in treatment and recovery, and examining the effects and improvement needed for former and current initiatives. The hearing was chaired by Assemblymember Linda B. Rosenthal, and other participants included Assemblymember Braunstein, Assemblymember Fernandez, and Assemblymember DeStefano. Witnesses who provided testimony included the Association of Alcoholism and Substance Abuse Providers, the Coalition of Medication-Assisted Treatment

Providers and Advocates, and the Legal Action Center, among others. OASAS did not attend the hearing, but submitted written testimony.

Many witnesses presented testimony outlining important measures that must be taken to continue seeing improvements in prevention, treatment, and recovery services throughout the state. Most witnesses agreed that while overdose deaths have recently decreased on a broad scale, there is still much work to be done. Some key items that were brought to the attention of the Committee were the elimination of copays for SUD treatment and medications, safe and affordable housing to provide stability and support to those in recovery, and safer opioid prescribing and dispensing. Many witnesses also stressed that the funding and providers available for this issue still do not reach the magnitude of the problem; there are insufficient providers across all settings, including emergency rooms, primary care doctors, and in correctional facilities, partly because of the lingering stigma associated with treating populations suffering from SUD and also because of improper diagnoses and treatment of co-occurring disorders. While there is still much to do, advocates across the state are dedicated to helping improve the lives and providing the necessary treatment and recovery tools to help those struggling with substance use.

B. Problem Gambling in New York State

December 18, 2019, Albany

With the expansion of gaming practices in the state, problem gambling continues to remain a widespread issue, which OASAS, the Gaming Commission, and the New York Council have taken steps to help combat. On December 18, 2019, the Assembly Standing Committees on Alcoholism and Drug Abuse and Racing and Wagering convened a hearing to assess how best to continue to implement strong and responsible gaming strategies as the industry continues to grow. This hearing was chaired by Assemblymember Linda B. Rosenthal and Assemblymember J. Gary Pretlow, and other participants including Assemblymember Carrie Woerner, Assemblymember Clyde Vanel, Assemblymember Joseph DeStefano, and Assemblymember Peter Lawrence. Witnesses who provided testimony included OASAS and the New York State Council on Problem Gambling.

Witnesses stated that agency-approved gambling resource centers have expanded tenfold, and there has been a significant increase in approved private practitioners to treat patients. There have also been efforts to improve cultural competence among treatment providers. Other steps that have been taken by OASAS include providing coverage under Medicaid for problem gambling services and making problem gambling a searchable option in the online LOCADTR tool to help treatment providers better assess the necessary steps for individuals seeking treatment. The state also anticipates future issues with mobile sports betting, and is looking to other states to prepare for more individuals in need of treatment. Despite these efforts, witnesses also stressed that the magnitude of gaming throughout the state dwarfs the resources allocated for problem gambling. Due to this, more prevention and education services throughout the state are necessary so issues with problem gambling do not get worse.

APPENDIX A

**2019 SUMMARY OF ACTION ON BILLS REFERRED TO THE ALCOHOLISM
AND DRUG ABUSE COMMITTEE**

TOTAL NUMBER OF COMMITTEE MEETINGS HELD 3

	<u>ASSEMBLY</u>	<u>SENATE</u>	<u>TOTAL</u>
	<u>BILLS</u>	<u>BILLS</u>	<u>BILLS</u>
BILLS REPORTED FAVORABLE TO:			
Codes	0	0	0
Judiciary	0	0	0
Ways and Means	6	0	6
Rules	1	0	1
Floor	1	0	1
TOTAL	8	0	8
COMMITTEE ACTION			
Held For Consideration	0	0	0
Defeated	0	0	0
Enacting Clause Stricken	0	0	0
REMAINING IN COMMITTEE	22	4	26
BILLS REFERENCE CHANGED TO:			
TOTAL	0	0	0