



February 16, 2018

Senator Orrin Hatch
Chairman
Senate Finance Committee
Washington, DC 20510

Senator Ron Wyden
Ranking Member
Senate Finance Committee
Washington, DC 20510

Dear Chairman Hatch and Ranking Member Wyden:

On behalf of the National Disability Rights Network (NDRN) I would like to thank you for this opportunity to provide feedback to the Committee as you consider your response to the opioid and substance use crisis in our country. We appreciate this opportunity to provide stakeholder input and look forward to working with you and other Senators to enact legislation that will have a positive impact. Our comments will focus on question #8 concerning human services efforts that can be taken to address this emergency.

NDRN is the national membership association for the Protection and Advocacy (P&A) and Client Assistance Program (CAP) systems, the nationwide Network of congressionally-mandated agencies that advocate on behalf of persons with disabilities in every state, the District of Columbia, Puerto Rico, U.S. territories (American Samoa, Guam, U.S. Virgin Islands, and the Northern Mariana Islands). There is also a P&A affiliated with the Native American Consortium which includes the Hopi, Navaho and San Juan Southern Paiute Nations in the Four Corners region of the Southwest.

NDRN and the P&A / CAP Network promote a society where people with disabilities exercise informed choice and self-determination. For over thirty years, the P&A / CAP Network has worked to protect the human and civil rights of individuals with disabilities of any age and in any setting. Collectively, the P&A / CAP Network is the largest provider of legally - based advocacy services for persons with disabilities in the United States.

As your letter so clearly demonstrates the amount, cost, and impact of opioid and substance use in the United States has been growing at an incredible rate in recent years. Like other people with disabilities, people impacted by substance use face abuse, neglect, financial exploitation, a lack of quality services, and deprivation of rights.

For example, a story from Florida concerning opioids:

<http://www.nbcnews.com/feature/megyn-kelly/florida-s-billion-dollar-drug-treatment-industry-plagued-overdoses-fraud-n773376>

We have also heard of concerns involving sober homes in Florida and around the country providing substandard care for alcohol dependence, including expulsion from the home for extremely minor infractions.

Other case examples pulled from Protection and Advocacy agency Program Performance Reports involving individuals with substance use disorder include:

A 34-year-old male contacted Disability Rights Iowa (DRI) while in a residential substance abuse program concerned that he was being denied several of his mental health/seizure medications and he had a seizure as a result. DRI opened an investigation and monitored the facility. DRI was able to substantiate several of the individual's complaints, obtained an opinion from a forensic nurse concerning the treatment policies, and made recommendations to the facility. DRI also spoke with the local jail diversion program about the concerns uncovered, and they agreed to no longer refer individuals to Bridges along with the Department of Corrections.

Disability Rights Iowa also investigated the death of a 33-year-old male who supposedly committed suicide in the Madison County Jail. DRI requested and reviewed all relevant records, and interviewed jail staff during a monitoring of the jail. After conducting an investigation DRI confirmed that the individual hung himself while alone in a jail cell. The jail followed all necessary supervisory and responsive procedures required under law. However, the investigation revealed several concerns and areas in need of improvement. Ultimately DRI worked with the jail to achieve corrective action and the jail has implemented new policies concerning inmate access to mental health medications. DRI also worked with the Sheriff to provide support in a request to the Board of Supervisors to approve additional staff during overnights as a safety measure to prevent harm to inmates in the future. The request was ultimately successful and the jail now has additional staff on site at all times to increase the safety and supervision of inmates.

Need For Dedicated Substance Use Funding

While Protection and Advocacy agencies can already provide services to people with substance use disorders, without a dedicated source of funding to address the abuse, neglect, financial exploitation, and rights deprivation issues these individuals face, the ability to advocate for this population is limited. Not being able to address these issues mean that individuals that are trying to overcome substance or opioid use remain trapped in the never-ending spiral of addiction, treatment, relapse. Being able to

connect individuals with needed services (both treatment, but also other important human services like housing, employment, education, etc.) through the P&A's advocacy will allow individuals to break out of the cyclical trap and be fully integrated within the community again.

Dedicated funding would allow Protection and Advocacy agencies to make advocacy for individuals with substance use disorder an absolute priority for their work. Dedicated funding would also allow the Protection and Advocacy to hire staff that would specifically work on issues impacting people with substance use disorder. P&As through over 40 years of work have demonstrated that they are capable of leveraging funds received for needed advocacy work into millions of dollars of critical services and supports. Dedicated funding to the P&As will allow for these benefits to accrue throughout the country, positively impacting people and all of society in a magnitude greater than the funding would suggest.

While in an ideal world we would like to begin with a full program throughout the entire country (\$15 million), the P&A Network is also willing (and has in the past) to demonstrate the positive impact they can bring to this issue through the creation of a demonstration project that would be in the \$1 million range with a number of P&As participating, (5-8). The Committee has jurisdiction over one P&A program, the Protection and Advocacy for Beneficiaries of Social Security (PABSS), program so you already have experience and knowledge of the benefit P&As can bring to addressing a problem.

In conclusion, we appreciate the opportunity to submit comments as the Committee considers a legislative way forward on this critical issue. For any questions or for additional information about this letter and its recommendation, please contact Eric Buehlmann at the National Disability Rights Network. [(202) 408-9514; eric.buehlmann@ndrn.org]

Sincerely:



Curt Decker, J.D.
Executive Director
National Disability Rights Network