

Meeting Summary

Task Force on Specialty Courts

Meeting #6

[Link](#) to Task Force on OLIS



LPRO
LEGISLATIVE POLICY
AND RESEARCH OFFICE

Meeting Information

Date/Time September 20, 2024 ([link to recording](#))

Attendees

Present

Hon. Clara Rigmaiden, Chair
Shane Alderson
Kathy Brazell Sévos
Heather Crow-Martinez
Joseph Garcia
John Haroldson
Kimberly Keller (Alisa Maldonado substituting)
Hon. Heidi Moawad
Lisa Nichols
Ken Sanchagrin
Jay Scroggin
Hon. Anne Marie Simmons
Jason Van Meter
Chris Wig
Caroline Wong

Excused

Chris Behre
Matthew Phillips
Laura Ruggeri

Member Discussion I

Member Discussion I

No members engaged in additional discussion regarding the previous meeting, which focused on the administrative balance between the Criminal Justice Commission and the Oregon Judicial Department for Oregon specialty courts.

Informational Meeting

LPRO Survey Preliminary Results

Monica Cox, LPRO
Research Analyst

[Slides](#)

The Legislative Policy and Research Office (LPRO) designed and distributed surveys to all Oregon specialty courts at the direction of Chair Rigmaiden and with assistance from the Criminal Justice Commission and the Oregon Judicial Department. The goal was to gain better understanding of specialty court program operating costs and funding sources because there is no centralized collection of this information.

A [program survey](#) collected information about operating costs, funding sources, and experiences with support from the state for the 2023-2025 biennium. A [personnel questionnaire](#) collected information about salaries and wages, time allocation towards specialty court duties, and court team members' responsibilities.

Fifty of the 67 specialty court programs responded. Preliminary results highlight estimated total and average operating costs as well as the types and proportion of funding that support these programs. LPRO will summarize final results in a report and share the results with the Task Force in October.

Limitations of the survey include:

- Responses are a self-reported snapshot.
- Some respondents did not have complete access to budget information.
- The short timeframe for conducting the survey, August 29 through September 18, 2024, did not allow for interviewers to understand variations in how respondents categorize costs and funding.
- Not every specialty court program responded.

Total operating costs ranged from \$50,000 to \$5,071,642 across all court types and locations, averaging \$798,080 per program.

Primary cost factors are Personnel (49% of operating cost), Contractual Services (20%), Other (10%), and non-billable Treatment (8%). Treatment costs may be underreported because some courts included them under contractual services. Not all courts reported personnel expenses, and personnel costs excluded benefits such as insurance coverage and retirement contribution.

Two thirds of funding is from the Specialty Court Grant (43%), and the Oregon Judiciary Department (22%). Only 10 courts reported local government funding, but it was substantial portion of funding for those programs.

Questions/Discussion:

- **Pre-existing costs.** A criminal case already has costs and consumes resources, so one should be careful not look at specialty court cases as “new” cases or expenses—however, organizations are making a choice to devote those personnel resources to a specialty court program at the expense of the larger organization. It may be helpful to compare time spent on a specialty court case with time spent on a regular case and to contextualize the reported numbers.
- **This biennium was unique.** The total funding reported may not reflect operation at full capacity because a shortage of funding was backfilled and the funding source for court coordinators shifted from grants to the OJD budget mid-biennium.
- **Health insurance.** Insurance provides 75% of treatment provider staffing, but it was not clear where or how that is shown.
- **Probation officers.** Grant funding supports reports and assessments. Supervision services fall within general operating budgets. Sometimes coworkers must carry a heavier caseload to accommodate treatment court support.
- **Unmet needs.** The housing numbers reflect funding that courts have been able to obtain, not what the actual need is. It would be helpful to learn how much programs are requesting from grants compared to the true costs of operation.



Medicaid and Specialty Courts

Cassi Sturtz, Behavioral Health Manager, Care Oregon

[Slides](#)

Historical changes include moving towards many funding sources and an overall decrease in funding access for staffing and functional components. The ongoing workforce shortages impact stability and funding.

Billable activity criteria include voluntary, medically necessary services that directly impact the person's listed diagnosis. Activities prior to the treatment plan completion are not billable.

Non-billable activities include:

- Any engagement or relationship building prior to treatment plan condition.
- Referral coordination.
- Meetings and time spent in court.
- Transportation.
- Reporting and documentation, including dual documentation.
- Trainings and events (e.g., specialty court graduations).

The current billing approach does not capture the cost of quality engagement and desired outcomes. Team-based approaches to service are necessary but may not be billable, especially for higher need clients who require more outreach work, and those who need culturally appropriate care. Additionally, team size must remain consistent, while the numbers of specialty court participants and their needs are variable. Administrative work is a critical function of treatment.

Urinalyses ("UAs") can have variable coverage across plans. The provider must demonstrate medical necessity. A court mandate alone is not sufficient. Trauma-informed care trends are moving away from UAs and could impact billing in the future.

Collaborative Efforts for Sustainable Service Funding

Chris Wig, Executive Director, Emergence Addiction & Behavior Therapies

Scott Miller, Fiscal Director, Emergence Addiction & Behavior Therapies

Danielle Hanson, Treatment Court Analyst, Office of the State Court Administrator, Oregon Judicial Department

Lane County treatment courts faced a common problem among specialty courts, with **Medicaid eligibility limitations** preventing rapid access to treatment. This included non-billable contact prior to the assessment and treatment plan, veterans' income exceeding eligibility thresholds (combined with non-coverage by Tricare), and the categorical ineligibility of adults in custody resulting in lapses in coverage upon release. Underrepresented communities lack coverage at higher rates.

The specialty court team collaborated to develop a solution, creating **pre-funded treatment slots** for uninsured or underinsured participants. Emergence calculates an average utilization over the previous biennium and readjustment at the beginning of each biennium. It multiplies the average time spent per person by Medicaid rates to come up with a "slot rate." It provides the funds holder with the data the rate is based on. The funding agent then budgets for it in contract negotiations.

The slot rate method has the following **benefits**:

- Stability for both the provider and the funding agent.



Debby Haller, Financial
Manager, Lane County
Sheriff's Office

[Slides](#)

- Rapid access to treatment, and no barrier of identifying a payer before scheduling an assessment.
- Predictable and transparent budget.
- Adherence to best practices (e.g., less than 50 days between arrest/incident and beginning program; 200-hour treatment “dose” for high-risk/high-need persons).
- Equitable access to treatment for the uninsured and underinsured.
- Further collaboration on processes throughout the program.

Remaining **challenges** include:

- The provider bears risk for variations in individual treatment dosage needs and the costs of unexpectedly high administrative burdens.
- Program partners share risk if allocated funding is insufficient for the volume of treatment referrals.
- Enhancements require additional funding sources, such as peer support and recovery housing rental assistance.

Solutions may look different in other communities, depending on resources available. It requires strong system partnerships, based on communication, trust, and commitment.

Having a strong fiscal manager is key. In Lane County, the Sheriff's Office provides fiscal administration in partnership with the Lane County Local Public Safety Coordinating Council. They coordinate applications for state, federal, and local non-profit grants for all four specialty courts, as well as manage the funds, invoices, contracts, and any items that need Board approval.

**Funding and
Administration:
Additional
Considerations**

*Ryan Keck, Deputy
Director, Criminal
Justice Commission*

The Oregon Criminal Justice Commission (CJC) has been focused on using a data-driven and objective approach to grant funding for specialty courts. Part of this is using **scorecards** to grade adherence to the specialty court best practice standards, showing them what areas may need improvement and steering recommendations by the grant committee.

CJC will use the same system for the next cycle and will also incorporate **data** pulled from the Specialty Courts Case Management System (SCMS) for 10 areas of inquiry related to outcome evaluations. CJC has not made any decision on how the data will affect funding; the grant committee and then the full commission must make any such decisions. Task Force Recommendations may also affect the decision.

CJC addressed questions about whether the scorecard process could be expanded to the 11 specialty courts that do not apply for specialty court grants. CJC would need statutory authority to conduct the analysis, require the court participation, and require those courts to enter data in SCMS to obtain information normally provided through grant applications. Any such process should be on a separate timeline from the grants, such as September or October of an even numbered year, to avoid conflicting with the grants. If the Task Force recommends this process, CJC suggests it be



coordinated with any recommendations for a peer review process as well, so that they can inform each other.

Questions/Discussion:

Courts that don't apply for specialty court grants do provide a Specialty Court Operating Profile (SCOP) to the Oregon Judicial Department.

Member Discussion II

Funding

Hon. Marie Simmons, Shane Alderson, Ryan Keck, Kathy Sévos, John Haroldson, Lisa Nichols, Jay Scroggin, Chris Wig, Caroline Wong

Members discussed a possible funding mechanism that would provide **baseline funding** to operate a treatment court. Decisions on whether the baseline should be per program or based on participant numbers, or some combination thereof, will inform the selection of the most appropriate mechanism.

The State's General Fund is currently the majority source for the Specialty Court Grant Program. Lottery funds comprise a small portion for veterans' courts. Federal funds occasionally backfill certain needs.

Centralized state funding should not disqualify a court from also applying for supplemental grant funding. For instance, some programs receive both general funds as well as federal grant funds, such as the Victim Services Division. Cost assessment will inform projected expenses and is tied to best practices. A member discussed proposing a recommendation to create an assessment process as part of application process.

Has there has ever been a formulaic request for funding? At one point, there was an effort to combine Justice Reinvestment Initiative funding into the general fund, but it remains separate. Some have discussed creating separate funding for specialty courts, possibly with a capitated rate, similar to Measure 57 funds.

A member suggested removing **treatment funding** from the competitive process, developing baseline treatment funding by estimating the number of clients anticipated, looking at the total cost of care and subtracting billable insurance receipts.

Another member proposed a billing modifier/multiplier for participants that have higher needs than the base rate, including cultural and linguistic needs. The Legislature could designate the Oregon Health Authority to reimburse the multiplier, for members who have coverage from a Coordinated Care Organization.

Members discussed better **data collection**, including a suggestion to have standard definitions for cost categories. The data should be regularly collected to understand fluctuations in cost over time.

Evaluation

Independent evaluations every five years would be helpful to provide feedback on adherence to standards. Researchers already have these



Joseph Garcia

tools that have been helpful in the past. Some states have trouble when the same entity both funds and evaluates the programs. Funding administrators should avoid additional burdens not required by the Ten Key Components.

Administration

Kathy Sévos, Ken Sanchagrin

The Specialty Court Grant Program **application timeline** creates hardships. Providers must deliver services six months before they find out whether they will receive funding and in what amount. CJC may propose a recommendation relating to funding stability that addresses application timelines.

Meeting Materials

Staff

[LPRO Survey Preliminary Results](#)
[Oregon Treatment Court Programs Survey](#)
[Oregon Treatment Court Programs Personnel Questionnaire](#)
[Member Discussion Topics](#)

Cassi Sturtz

[Medicaid in Specialty Courts](#)

Chris Wig, Danielle Hanson

[Collaborative Efforts for Sustainable Service Funding](#)

