



Wes Moore, Governor · Aruna Miller, Lt. Governor · Laura Herrera Scott, M.D., M.P.H., Secretary

February 21, 2024

Senator Guy Guzzone
Budget and Taxation Committee
3 West Miller Senate Office Building
Annapolis, Maryland 21401

Senator William C. Smith, Jr.
Judicial Proceedings Committee
2 East Miller Senate Office Building
Annapolis, Maryland 21401

RE: Senate Bill 801 - Correctional Services – Medication–Assisted Treatment Letter of Support with Amendments

Dear Chair Guzzone, Chair Smith, and Committee Members:

The Maryland Department of Health (Department) respectfully submits this letter of support with amendments for Senate Bill (SB) 801 Correctional Services – Medication–Assisted Treatment. The Department oversees Medication-Assisted Treatment (MAT) programs for Opioid Use Disorder, through the Opioid Restitution Fund (ORF) and the Maryland State Opioid Response (MD-SOR) grant program. The current statutes support the provision of Food and Drug Administration (FDA)-approved opioid medication for the treatment of opioid use disorders at local correctional facilities statewide.

The Department supports the intent of this bill and notes that MAT use in correctional facilities is an important tool to combat the opioid crisis.^{1,2,3,4} However, we respectfully recommend amending the bill to:

- **Strike the requirement that grants must be equal to the costs incurred by the county.** The Department is committed to providing counties with funding to defray the cost of MAT provided in correctional settings; however there are several settlements that

¹ Brinkley-Rubinstein L. et al. Risk of fentanyl-involved overdose among those with past year incarceration: Findings from a recent outbreak in 2014 and 2015. *Drug and Alcohol Dependence*. 2018;185:189-191.

² Zaller N. et al. Initiation of buprenorphine during incarceration and retention in treatment upon release. *Journal of Subst Abuse Treat*. 2013;45:222-226.

³ Green T. et al. Post Incarceration Fatal Overdoses After Implementing Medications for Addiction Treatment in a Statewide Correctional System. *JAMA Psychiatry*. 2018. Published online Feb 14, 2018.

⁴ Jail-Based Medication-Assisted Treatment: Promising Practices, Guidelines, and Resources for the Field, Posted online November, 2018 www.ncchc.org/jail-based-mat

make up the ORF, and the amount of monies in this fund are merely projections until the transfers are actually made. There are provisions in the settlement agreements that can and have changed the actual amounts the State receives in any given year. Moreover, each settlement has specific terms, and the Department must ensure that spending is in line with settlement terms and conditions or the state is at risk for returning funds.

- **Strike requirements for the Secretary to consult with the Opioid Operational Command Center (now the Maryland Office of Overdose Response, or “MOOR”).** The Secretary currently receives guidance from the ORF Advisory Council regarding potential spending of the ORF. This amendment would be consistent with the current advisory structure set up for the ORF.
- **Require the submission of a report to the Department, and additional reporting requirements.** The county should submit a report to the Department, instead of MOOR, to ensure that work envisioned under this bill is aligned across all programmatic areas, including MOOR, and the Behavioral Health Administration in the Department. Moreover, additional county reporting requirements should be added to include, demographic data of the number of individuals receiving a service under an MAT program, the type of medication they received, the number of days they were treated, the degree to which those receiving treatment have a chronic disease, including opioid use disorder, and alcohol use disorder, and discharge and care coordination provided under such a program.
- **Strike provisions that penalize counties for not submitting a plan.** The Department recommends striking the provision that reduces funding to jurisdictions if the required reporting is not submitted within a given timeframe.

MDH will provide proposed amendment language for the Committee’s consideration.

If you would like to discuss this further, please do not hesitate to contact Sarah Case-Herron, Director of Governmental Affairs at sarah.case-herron@maryland.gov.

Sincerely,



Laura Herrera Scott, M.D., M.P.H.
Secretary

Emily Keller
Special Secretary of Overdose Response