

Errors threaten future of county's treatment program

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JUNE 16, 2013 · 9:16 AM

Another error and new information about Island County Recovery Services spurred strong and decisive action by law-and-justice leaders this week.

On Monday, Island County Prosecutor Greg Banks, in cooperation with Superior Court judges Alan Hancock and Vickie Churchill, announced the immediate cessation of new defendants to the county's drug courts.

The action came on the heels of yet another error by the drug-and-alcohol treatment provider that nearly led to the unjust incarceration of a patient and the recent revelation that the provider has been under review by state regulators for months.



“The latest incident and my knowledge of the (state) reports have pushed me one step closer to terminating the programs,” wrote Banks, in an email to the Board of Commissioners. “I am convinced that we are failing the public and our drug court participants by allowing them into our program with this treatment provider.”

Under the umbrella of Island County Human Services, the drug and alcohol recovery center opened its doors in July of 2011. It offers out-patient services and acts as treatment provider for the county's adult and juvenile drug courts.

Human Services Director Jackie Henderson, who is also a Coupeville Town Council member, continued to defended the organization this week and its staff.

She, along with Island County Recovery Services Manager Mark MacNaughton, cited a lack of resources — funding and staff — as the primary source of the treatment center's shortcomings during the board's Wednesday work session.

And, in an unusual and bold move, Henderson also announced she would refuse to seek proposals from alternate treatment providers, even if directed to do so by the commissioners — her bosses.

When asked by Commissioner Jill Johnson to clarify that position, Henderson responded, “With all due respect, that means I won’t do it.”

Faulty reports

Last month, drug court leaders made the equally unusual move of publicly charging the treatment center with a slew of allegations before the board. Citing issues from sexual misconduct and the use of abusive language to repeated errors and tardy patient assessments, the group requested the board immediately begin looking for alternate service providers.

Perhaps the most serious claims concerned instances when drug court patients were nearly sentenced to undeserved jail time based on incorrect information provided by recovery services professionals.

According to Banks, a similar mistake happened again after the Whidbey News-Times ran a story in May that highlighted the many problems at the county treatment center.

Banks said Hancock confronted a juvenile in court about missing a scheduled urinal analysis and, choosing to believe information provided by a counselor, ruled against the individual.

It was learned at the last minute, however, that the report was false and the juvenile was telling the truth, Banks said.

“It is astonishing to me that, after the very recent publicity about repeated occurrences of this identical fact pattern, it has happened again,” wrote Banks, in the Monday email to the board. “One would have thought that the current scrutiny by the public and the (commissioners) would have led to intense efforts at quality control by the Island Recovery staff.”

State oversight

It’s also now clear that drug court officials, such as Banks and the Superior Court judges, are not the only ones with concerns.

Information provided to the newspaper from a public records request to the state Department of Social and Health Services revealed the county treatment center has been under the close eye of state regulators for at least one year.

According to Brian Barr, a certification field services manager with the state agency, new treatment providers are routinely reviewed following their first year of operations. That first look, an on-site technical assistance survey in June of 2012, identified a slew

of “deficiencies” — instances in which records or practices did not comply with Washington’s Administrative Code.

Recovery services was required to submit a corrective action plan in October, which it did, but subsequent visits by state monitors revealed the plan “has not been successfully implemented, or the corrections were not maintained.”

For example, 60 percent of patient records last June were found to be in compliance for containing a chemical dependency assessment. By April 23 of this year, that number had only increased by 10 percent.

Other areas saw backward progress. In June, 100 percent of patient records reviewed contained an individualized treatment plan but that number fell to 50 percent by April.

Henderson said the records reviewed are just a fraction of all client files and that they can be misleading.

“We have over 250 clients,” she said, adding that such deficiencies could be found throughout the industry.

According to Barr, the problems are “significant” in that they are identified by law as being necessary for proving effective treatment. Recovery services will have to file a new corrective action plan by June 6. He will revisit the organization again a few months later to see if adequate progress has been made.

“At that point, we would consider suspending their certification,” Barr said.

‘Make stuff up’

The records request also revealed dialogue between Henderson and MacNaughton’s predecessor, Michael Baird, about treatment center’s internal state of affairs. In an Oct. 26 email between the two, Baird complained about low morale among workers.

“So, I don’t have much hope for this place turning any corners. I will work on the SAPT (Substance Abuse Prevention and Treatment) yearly report this weekend, but I wish I could see the ‘strategic plan’ that had to be submitted at or before this biennium.”

Henderson responded, “Well, I don’t know what to say or do. I’ll email everyone on Monday and see if they just want to bag it. Pick a date a close up shop. Fire everyone and start over? No guarantees it would be any different. Don’t worry about the report. Make stuff up if you have to.”

In an interview Friday, Henderson said the comment was a mistake and one made out of exasperation. She believed Baird had all the information needed and, in a moment of bad judgement, told him to “make stuff up.”

“That was a stupid comment I made out of frustration,” Henderson said. “I shouldn’t have said it.”

She noted that nothing in the report was falsified, that the state investigated the incident and cleared them of wrongdoing. That could not be verified as of press time, however.

It’s unclear whether Baird was fired or quit but the state’s records show his successor, MacNaughton, may be facing his own difficulties, though Henderson said staff morale has improved dramatically since he took over.

When Barr visited the treatment center in April, he discovered MacNaughton had been working under an expired credential since March 22. Although the credential was renewed by wire transfer the same day, Barr noted MacNaughton “engaged in unlicensed practice in criminal violation of Revised Code of Washington.”

Budget problems?

MacNaughton did not address the issue of his credentials during Wednesday’s work session but he did provide an overview of the treatment center’s rapid growth and demand for services.

The organization had just 67 clients when it opened its doors in 2011. By the end of first year, that number had mushroomed to 156 and by March of 2013, the organization was serving about 280 people.

“We’ve managed to do this with the addition of just one counselor,” he said.

MacNaughton said the organization’s current client load is about 50 per counselor.

He claimed criticisms about the time it takes to provide assessments was unfair and that two or three weeks is common in the industry.

“If we can increase our staff to nine counselors, we’ll have assessments in a week,” he said.

Drug court officials have since challenged the accuracy of the claim as did a representative of the county’s former and private treatment provider. A woman in the crowd whispered loudly, “That’s not true.”

Henderson also painted a future of financial uncertainty, citing changes in health care and possible reductions in state funding. She said that’s why she was unwilling to seek bids from other treatment providers.

“I don’t think it’s responsible with all of the unknowns, the budget, around the affordable care act and health care reform,” Henderson said. “I know there have been problems with the drug court; there have not been problems with the rest of our treatment.”

While attempts are being made to improve some of the ongoing issues, such as investigating the use of an Oak Harbor lab for urine analysis, Henderson said she is willing to seek proposals for the drug court work only. Last chance

But according to Banks, Henderson's suggestion is unrealistic as it would likely yield few if any willing alternative treatment providers.

"That's a poison pill because that's a case load that's not big enough to attract a provider," he said in a later interview.

The board did not appear receptive to the idea either and issued no directive to seek bids, despite Henderson's open challenge. Instead, Commissioner Jill Johnson sought a reconciliation between recovery services and drug court officials, asking that a memorandum of understanding be drafted

"This is a relationship that has to work and it's broken," Johnson said.

She noted that Superior Court judges are elected officials and these "significant inconsistencies" from the treatment provide could unfairly stain their reputations, along with that of the county as a whole. She said she was "unwilling to sacrifice the drug court programs."

Drug court officials voiced little optimism over the prospects of resolution.

"We've been working with (the organization) for two years. We've seen no measurable improvement," Superior Court Judge Alan Hancock said.

"We have no confidence in Island County Recovery Services," he said.

Hancock said drug court leaders believe the board should pursue a request for proposal process immediately and that "we would have to question whether we could continue with our drug court" if recovery services "continues to be our treatment provider."

Similarly, Banks said, "I'm not letting anyone else in drug court until we have a treatment provider we can trust. I just can't do it in good conscience anymore."

Henderson said the scrutiny of recovery services by the state and drug court officials is one-sided. She questions how well the judges and prosecutor might endure under a similar spotlight.

"We've been under the microscope and they aren't. I guess they are perfect."

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