KANSAS SENTENCING COMMISSION
KANSAS DEPARTMENT OF CORRECTIONS

2003 - SENATE BILL 123
ALTERNATIVE SENTENCING POLICY FOR NON-VIOLENT DRUG POSSESSION OFFENDERS

OPERATIONS MANUAL

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Introduction

The 2008 Kansas Sentencing Commission Senate Bill 123 Operations Manual provides general instructions for application of the provisions of Senate Bill 123. It is intended to provide assistance to members of the judiciary, legal practitioners, field service officers, law enforcement and correctional officials, community corrections staff, drug treatment providers, and mental health staff who will apply the provisions of Senate Bill 123. However, the 2008 Operations Manual should always be used in consultation with the applicable Kansas Statutes, the language of which are always controlling.

The 2008 Operations Manual contains features that we hope will inform users of the latest developments regarding Senate Bill 123. The Kansas Sentencing Commission encourages criminal justice professionals to contact our staff for further information and assistance regarding related questions concerning this Manual, or in the implementation of the Kansas Sentencing Guidelines Act.

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CHAPTER I: 2003 SB 123 TEXT AND RELATED STATUTES

K.S.A. 2011 Supp. 21-6824 (formerly 21-4729)

K.S.A. 2011 Supp. 21-6824 (formerly 21-4729). Nonprison sanction; certified drug abuse treatment programs; assessment; supervision by community corrections; discharge from program.

(a) There is hereby established a nonprison sanction of certified drug abuse treatment programs for certain offenders who are sentenced on or after November 1, 2003. Placement of offenders in certified drug abuse treatment programs by the court shall be limited to placement of adult offenders, convicted of a felony violation of K.S.A. 2011 Supp. 21-5706 (formerly in 2008 K.S.A. 65-4160 or 65-4162, and in 2009 K.S.A. 21-36a06 - *see chart below*) and amendments thereto:

2008	2009 (HB 2236)	2010	2011 (HB 2668)
65-4160	21-36a06	21-36a06	21-5706
65-4162	21-36a06	21-36a06	21-5706

(1) Whose offense is classified in grid blocks 4-E, 4-F, 4-G, 4-H or 4-I of the sentencing guidelines grid for drug crimes and such offender has no felony conviction of K.S.A. 2011 Supp. 21-5716, 21-5703 or 21-5705 (formerly in 2008 K.S.A. 65-4142, 65-4159, 65-4161, 65-4163 or 65-4164, and in 2009 K.S.A. 21-36a16, 21-36a03, and 21-36a05 – *see chart below*) and amendments thereto or any substantially similar offense from another jurisdiction; or

2008	2009 (HB 2236)	2010	2011 (HB 2668)
65-4142	21-36a16	21-36a16	21-5716
65-4159	21-36a03	21-36a03	21-5703
65-4161	21-36a05	21-36a05	21-5705
65-4163	21-36a05	21-36a05	21-5705
65-4164	21-36a05	21-36a05	21-5705

(2) whose offense is classified in grid blocks 4-A, 4-B, 4-C or 4-D of the sentencing guidelines grid for drug crimes and such offender has no felony conviction of K.S.A. 2011 Supp. 21-5716, 21-5703 or 21-5705, and amendments thereto, or any substantially similar offense from another jurisdiction, if such person felonies committed by the offender were severity level 8, 9 or 10 or nongrid offenses of the sentencing guidelines grid for nondrug crimes and the court finds and sets forth with particularity the reasons for finding that the safety of the members of the public will not be jeopardized by such placement in a drug abuse treatment program.

(b) As a part of the presentence investigation pursuant to K.S.A. 2011 Supp. 21-6813 (formerly 21-4714), and amendments thereto, offenders who meet the requirements of subsection (a) shall be subject to:

(1) A drug abuse assessment which shall include a clinical interview with a mental health professional and a recommendation concerning drug abuse treatment for the offender; and

(2) a criminal risk-need assessment, unless otherwise specifically ordered by the court. The criminal risk-need assessment shall assign a high or low risk status to the offender.

(c) The sentencing court shall commit the offender to treatment in a drug abuse treatment program until determined suitable for discharge by the court but the term of treatment shall not exceed 18 months.

(d) Offenders shall be supervised by community correctional services.

(e) Placement of offenders under subsection (a)(2) shall be subject to the departure sentencing statutes of the Kansas sentencing guidelines act.

(f) (1) Offenders in drug abuse treatment programs shall be discharged from such program if the

offender:

(A) Is convicted of a new felony; or

(B) has a pattern of intentional conduct that demonstrates the offender's refusal to comply with or participate in the treatment program, as established by judicial finding.

(2) Offenders who are discharged from such program shall be subject to the revocation provisions of subsection (n) of K.S.A. 2011 Supp. 21-6604 (formerly 21-4603d), and amendments thereto.

(g) As used in this section, "mental health professional" includes licensed social workers, licensed psychiatrists, licensed psychologists, licensed professional counselors or registered alcohol and other drug abuse counselors licensed or certified as addiction counselors who have been certified by the secretary of corrections to treat offenders pursuant to K.S.A. 2007 Supp. 75-52,144, and amendments thereto.

(h) (1) The following offenders who meet the requirements of subsection (a) shall not be subject to the provisions of this section and shall be sentenced as otherwise provided by law:

(A) Offenders who are residents of another state and are returning to such state pursuant to the interstate corrections compact or the interstate compact for adult offender supervision; or

(B) offenders who are not lawfully present in the United States and being detained for deportation.

(2) Such sentence shall not be considered a departure and shall not be subject to appeal.

K.S.A. 2007 Supp. 75-52,144. Certified drug abuse treatment programs; presentence criminal risk-needs assessment; certified treatment providers; cost of programs.

(a) Drug abuse treatment programs certified in accordance with subsection (b) shall provide:

(1) Presentence drug abuse assessments of any person who is convicted of a felony violation of K.S.A. 2011 Supp. 21-5706, and amendments thereto, and meets the requirements of K.S.A. 2011 Supp. 21-6824, and amendments thereto;

(2) treatment of all persons who are convicted of a felony violation of K.S.A. 2011 Supp. 21-5706, and amendments thereto, and meet the requirements of K.S.A. 2011 Supp. 21-6824, and amendments thereto, and whose sentence requires completion of a certified drug abuse treatment program, as provided in this section;

(3) one or more treatment options in the continuum of services needed to reach recovery: detoxification, rehabilitation, continuing care and aftercare, and relapse prevention;

(4) treatment options to incorporate family and auxiliary support services; and

(5) treatment options for alcohol abuse when indicated by the assessment of the offender or required by the court.

(b) The presentence criminal risk-need assessment shall be conducted by a court services officer or a community corrections officer. The presentence drug abuse treatment program placement assessment shall be conducted by a drug abuse treatment program certified in accordance with the provisions of this subsection to provide assessment and treatment services. A drug abuse treatment program shall be certified by the secretary of corrections. The secretary may establish qualifications for the certification of programs, which may include requirements for supervision and monitoring of clients; fee reimbursement procedures; handling of conflicts of interest; delivery of services to clients unable to pay; and other matters relating to quality and delivery of services by the program. Drug abuse treatment may include community based and

faith based programs. The certification shall be for a four-year period. Recertification of a program shall be

by the secretary. To be eligible for certification under this subsection, the secretary shall determine that a drug abuse treatment program: (1) Meets the qualifications established by the secretary; (2) is capable of providing the assessments, supervision and monitoring required under subsection (a); (3) has employed or contracted with certified treatment providers; and (4) meets any other functions and duties specified by law.

(c) Any treatment provider who is employed or has contracted with a certified drug abuse treatment program who provides services to offenders shall be certified by the secretary of corrections. The secretary shall require education and training which shall include, but not be limited to, case management and cognitive behavior training. The duties of providers who prepare the presentence drug abuse assessment may also include appearing at sentencing and probation hearings in accordance with the orders of the court, monitoring offenders in the treatment programs, notifying the probation department and the court of any offender failing to meet the conditions of probation or referrals to treatment, appearing at revocation hearings as may be required and providing assistance and data reporting and program evaluation.

(d) The cost for all drug abuse assessments and certified drug abuse treatment programs for any person shall be paid by the Kansas sentencing commission from funds appropriated for such purpose. The Kansas sentencing commission shall contract for payment for such services with the supervising agency. The sentencing court shall determine the extent, if any, that such person is able to pay for such assessment and treatment. Such payments shall be used by the supervising agency to offset costs to the state. If such financial obligations are not met or cannot be met, the sentencing court shall be notified for the purpose of collection or review and further action on the offender's sentence.

(e) The community corrections staff shall work with the substance abuse treatment staff to ensure effective supervision and monitoring of the offender.

(f) The secretary of corrections is hereby authorized to adopt rules and regulations to carry out the provisions of this section.

K.S.A. 2011 Supp. 21-6604 (formerly 21-4603d). Authorized dispositions, crimes committed on or after July 1, 1993.

(a) Whenever any person has been found guilty of a crime, the court may adjudge any of the following:

(1) Commit the defendant to the custody of the secretary of corrections if the current crime of conviction is a felony and the sentence presumes imprisonment, or the sentence imposed is a dispositional departure to imprisonment; or, if confinement is for a misdemeanor, to jail for the term provided by law;

(2) impose the fine applicable to the offense;

(3) release the defendant on probation if the current crime of conviction and criminal history fall within a presumptive nonprison category or through a departure for substantial and compelling reasons subject to such conditions as the court may deem appropriate. In felony cases except for violations of K.S.A. 8-1567, and amendments thereto, the court may include confinement in a county jail not to exceed 60 days, which need not be served consecutively, as a condition of an original probation sentence and up to 60 days in a county jail upon each revocation of the probation sentence, or community corrections placement;

(4) assign the defendant to a community correctional services program as provided in K.S.A. 75-5291, and amendments thereto, or through a departure for substantial and compelling reasons subject to such conditions as the court may deem appropriate, including orders requiring full or partial restitution;

(5) assign the defendant to a conservation camp for a period not to exceed six months as a condition of probation followed by a six-month period of follow-up through adult intensive supervision by a community correctional services program, if the offender successfully completes the conservation camp program;

(6) assign the defendant to a house arrest program pursuant to K.S.A. 2011 Supp. 21-6603 (formerly 21-4603b) and amendments thereto;

(7) order the defendant to attend and satisfactorily complete an alcohol or drug education or training program as provided by subsection (3) of K.S.A. 2011 Supp 21-6602 (formerly 21-4502), and amendments thereto;

(8) order the defendant to repay the amount of any reward paid by any crime stoppers chapter, individual, corporation or public entity which materially aided in the apprehension or conviction of the defendant; repay the amount of any costs and expenses incurred by any law enforcement agency in the apprehension of the defendant, if one of the current crimes of conviction of the defendant includes escape, or aggravated escape, as defined in K.S.A. 2011 Supp. 21-5911 (formerly 21-3810), and amendments thereto; repay expenses incurred by a fire district, fire department or fire company responding to a fire which has been determined to be arson under K.S.A. 2011 Supp. 21-5812 (formerly 21-3718 or 21-3719), and amendments thereto, if the defendant is convicted of such crime; repay the amount of any public funds utilized by a law enforcement agency to purchase controlled substances from the defendant during the investigation which leads to the defendant's conviction; or repay the amount of any medical costs and expenses incurred by any law enforcement agency or county. Such repayment of the amount of any such costs and expenses incurred by a county, law enforcement agency, fire district, fire department or fire company or any public funds utilized by a law enforcement agency shall be deposited and credited to the same fund from which the public funds were credited to prior to use by the county, law enforcement agency, fire district, fire department or fire company;

(9) order the defendant to pay the administrative fee authorized by K.S.A. 22-4529, and amendments thereto, unless waived by the court;

(10) order the defendant to pay a domestic violence special program fee authorized by K.S.A. 20-369, and amendments thereto;

(11) impose any appropriate combination of (1), (2), (3), (4), (5), (6), (7), (8), (9) and (10); or

(12) suspend imposition of sentence in misdemeanor cases.

(b) (1) In addition to or in lieu of any of the above, the court shall order the defendant to pay restitution, which shall include, but not be limited to, damage or loss caused by the defendant's crime, unless the court finds compelling circumstances which would render a plan of restitution unworkable. In regard to a violation of K.S.A. 2011 Supp. 21-6107 (formerly 21-4018), and amendments thereto, such damage or loss shall include, but not be limited to, attorney fees and costs incurred to repair the credit history or rating of the person whose personal identification documents were obtained and used in violation of such section, and to satisfy a debt, lien or other obligation incurred by the person whose personal identification documents were obtained and used in violation of such section. If the court finds a plan of restitution unworkable, the court shall state on the record in detail the reasons therefore.

(2) If the court orders restitution, the restitution shall be a judgment against the defendant which may be collected by the court by garnishment or other execution as on judgments in civil cases. If, after 60 days from the date restitution is ordered by the court, a defendant is found to be in noncompliance with the plan established by the court for payment of restitution, and the victim to whom restitution is ordered paid has not initiated proceedings in accordance with K.S.A. 60-4301 et seq., and amendments thereto, the court shall assign an agent procured by the attorney general pursuant to K.S.A. 75-719, and amendments thereto, to collect the restitution on behalf of the victim. The administrative judge of each judicial district may assign such cases to an appropriate division of the court for the conduct of civil collection proceedings.

(c) In addition to or in lieu of any of the above, the court shall order the defendant to submit to and complete an alcohol and drug evaluation, and pay a fee therefore, when required by subsection (4) of K.S.A. 2011 Supp. 21-6602 (formerly 21-4502), and amendments thereto.

(d) In addition to any of the above, the court shall order the defendant to reimburse the county general

fund for all or a part of the expenditures by the county to provide counsel and other defense services to the defendant. Any such reimbursement to the county shall be paid only after any order for restitution has been paid in full. In determining the amount and method of payment of such sum, the court shall take account of the financial resources of the defendant and the nature of the burden that payment of such sum will impose. A defendant who has been required to pay such sum and who is not willfully in default in the payment thereof may at any time petition the court which sentenced the defendant to waive payment of such sum or any unpaid portion thereof. If it appears to the satisfaction of the court that payment of the amount due will impose manifest hardship on the defendant or the defendant's immediate family, the court may waive payment of all or part of the amount due or modify the method of payment.

(e) In imposing a fine the court may authorize the payment thereof in installments. In releasing a defendant on probation, the court shall direct that the defendant be under the supervision of a court services officer. If the court commits the defendant to the custody of the secretary of corrections or to jail, the court may specify in its order the amount of restitution to be paid and the person to whom it shall be paid if restitution is later ordered as a condition of parole, conditional release or postrelease supervision.

(f) (1) When a new felony is committed while the offender is incarcerated and serving a sentence for a felony, or while the offender is on probation, assignment to a community correctional services program, parole, conditional release, or postrelease supervision for a felony, a new sentence shall be imposed pursuant to the consecutive sentencing requirements of K.S.A. 2011 Supp. 21-6606 (formerly 21-4608), and amendments thereto, and the court may sentence the offender to imprisonment for the new conviction, even when the new crime of conviction otherwise presumes a nonprison sentence. In this event, imposition of a prison sentence for the new crime does not constitute a departure.

(2) When a new felony is committed while the offender is incarcerated in a juvenile correctional facility pursuant to K.S.A. 38-1671 prior to its repeal or K.S.A. 2007 Supp. 38-2373, and amendments thereto, for an offense, which if committed by an adult would constitute the commission of a felony, upon conviction, the court shall sentence the offender to imprisonment for the new conviction, even when the new crime of conviction otherwise presumes a nonprison sentence. In this event, imposition of a prison sentence for the new crime does not constitute a departure. The conviction shall operate as a full and complete discharge from any obligations, except for an order of restitution, imposed on the offender arising from the offense for which the offender was committed to a juvenile correctional facility.

(3) When a new felony is committed while the offender is on release for a felony pursuant to the provisions of article 28 of chapter 22 of the Kansas Statutes Annotated, or similar provisions of the laws of another jurisdiction, a new sentence may be imposed pursuant to the consecutive sentencing requirements of K.S.A. 2011 Supp. 21-6606 (formerly 21-4608), and amendments thereto, and the court may sentence the offender to imprisonment for the new conviction, even when the new crime of conviction otherwise presumes a nonprison sentence. In this event, imposition of a prison sentence for the new crime does not constitute a departure.

(g) Prior to imposing a dispositional departure for a defendant whose offense is classified in the presumptive nonprison grid block of either sentencing guideline grid, prior to sentencing a defendant to incarceration whose offense is classified in grid blocks 5-H, 5-I or 6-G of the sentencing guidelines grid for nondrug crimes or in grid blocks 3-E, 3-F, 3-G, 3-H or 3-I of the sentencing guidelines grid for drug crimes, prior to sentencing a defendant to incarceration whose offense is classified in grid blocks 4-E or 4-F of the sentencing guideline grid for drug crimes and whose offense does not meet the requirements of K.S.A. 2011 Supp 21-6824 (formerly 21-4729), and amendments thereto, prior to revocation of a nonprison sanction of a defendant whose offense is classified in grid blocks 4-E or 4-F of the sentencing guideline grid for drug crimes and whose offense does not meet the requirements of K.S.A. 2011 Supp 21-6824 (formerly 21-4729), and amendments thereto, or prior to revocation of a nonprison sanction of a defendant whose offense is classified in the presumptive nonprison grid block of either sentencing guideline grid or grid blocks 5-H, 5-I or 6-G of the sentencing guidelines grid for nondrug crimes or in grid blocks 3-E, 3-F, 3-G, 3-H or 3-I of the sentencing guidelines grid for drug crimes, the court shall consider placement of the defendant in the Labette correctional conservation camp, conservation camps established by the secretary of corrections pursuant to K.S.A. 75-52,127, and amendment thereto or a community intermediate sanction center. Pursuant to this paragraph the defendant shall not be sentenced to imprisonment if space is available in a conservation camp or a community intermediate sanction center and the defendant meets all of the conservation camp's or a

community intermediate sanction center's placement criteria unless the court states on the record the reasons for not placing the defendant in a conservation camp or a community intermediate sanction center.

(h) The court in committing a defendant to the custody of the secretary of corrections shall fix a term of confinement within the limits provided by law. In those cases where the law does not fix a term of confinement for the crime for which the defendant was convicted, the court shall fix the term of such confinement.

(i) In addition to any of the above, the court shall order the defendant to reimburse the state general fund for all or a part of the expenditures by the state board of indigents' defense services to provide counsel and other defense services to the defendant. In determining the amount and method of payment of such sum, the court shall take account of the financial resources of the defendant and the nature of the burden that payment of such sum will impose. A defendant who has been required to pay such sum and who is not willfully in default in the payment thereof may at any time petition the court which sentenced the defendant to waive payment of such sum or any unpaid portion thereof. If it appears to the satisfaction of the court that payment of the amount due will impose manifest hardship on the defendant or the defendant's immediate family, the court may waive payment of all or part of the amount due or modify the method of payment. The amount of attorney fees to be included in the court order for reimbursement shall be the amount claimed by appointed counsel on the payment voucher for indigents' defense services or the amount prescribed by the board of indigents' defense services reimbursement tables as provided in K.S.A. 22-4522, and amendments thereto, whichever is less.

(j) This section shall not deprive the court of any authority conferred by any other Kansas statute to decree a forfeiture of property, suspend or cancel a license, remove a person from office, or impose any other civil penalty as a result of conviction of crime.

(k) An application for or acceptance of probation or assignment to a community correctional services program shall not constitute an acquiescence in the judgment for purpose of appeal, and any convicted person may appeal from such conviction, as provided by law, without regard to whether such person has applied for probation, suspended sentence or assignment to a community correctional services program.

(l) The secretary of corrections is authorized to make direct placement to the Labette correctional conservation camp or a conservation camp established by the secretary pursuant to K.S.A. 75-52,127, and amendments thereto, of an inmate sentenced to the secretary's custody if the inmate: (1) Has been sentenced to the secretary for a probation revocation, as a departure from the presumptive nonimprisonment grid block of either sentencing grid, for an offense which is classified in grid blocks 5-H, 5-I, or 6-G of the sentencing guidelines grid for nondrug crimes or in grid blocks 3-E, 3-F, 3-G, 3-H or 3-I of the sentencing guidelines grid for drug crimes, or for an offense which is classified in gridblocks 4-E or 4-F of the sentencing guidelines grid for drug crimes and such offense does not meet the requirements of K.S.A. 2011 Supp. 21-6824 (formerly 21-4729), and amendments thereto, and (2) otherwise meets admission criteria of the camp. If the inmate successfully completes a conservation camp program, the secretary of corrections shall report such completion to the sentencing court and the county or district attorney. The inmate shall then be assigned by the court to six months of follow-up supervision conducted by the appropriate community corrections services program. The court may also order that supervision continue thereafter for the length of time authorized by K.S.A. 2011 Supp. 21-6608 (formerly 21-4611) and amendments thereto.

(m) When it is provided by law that a person shall be sentenced pursuant to K.S.A. 1993 Supp. 21-4628, prior to its repeal, the provisions of this section shall not apply.

(n) Except as provided by subsection (f) of K.S.A. 2011 Supp. 21-6805 (formerly 21-4705), and amendments thereto, in addition to any of the above, for felony violations of K.S.A. 2011 Supp. 21-5706, and amendments thereto, the court shall require the defendant who meets the requirements established in K.S.A. 2011 Supp 21-6824, and amendments thereto, to participate in a certified drug abuse treatment program, as provided in K.S.A. 2007 Supp. 75-52,144, and amendments thereto, including but not limited to, an approved after-care plan. If the defendant fails to participate in or has a pattern of intentional conduct that demonstrates the offender's refusal to comply with or participate in the treatment program, as established by judicial finding, the defendant shall be subject to revocation of probation and the defendant shall serve the underlying prison sentence as established in K.S.A. 2011 Supp. 21-6805 (formerly 21-4705), and

amendments thereto. For those offenders who are convicted on or after the effective date of this act, upon completion of the underlying prison sentence, the defendant shall not be subject to a period of postrelease supervision. The amount of time spent participating in such program shall not be credited as service on the underlying prison sentence.

K.S.A. 2011 Supp. 21-6805 (formerly 21-4705, 2010 House Bill 2668). Sentencing guidelines; grid for drug crimes applied in felony cases under uniform controlled substances act; authority and responsibility of sentencing court; presumptive disposition.

(a) For the purpose of sentencing, the following sentencing guidelines grid for drug crimes shall be applied in felony cases under the uniform controlled substances act for crimes committed on or after July 1, 1993:

(b) The provisions of subsection (a) will apply for the purpose of sentencing violations of the uniform controlled substances act except as otherwise provided by law. Sentences expressed in the sentencing guidelines grid for drug crimes in subsection (a) represent months of imprisonment.

(c) (1) The sentencing court has discretion to sentence at any place within the sentencing range. The sentencing judge shall select the center of the range in the usual case and reserve the upper and lower limits for aggravating and mitigating factors insufficient to warrant a departure. The sentencing court shall not distinguish between the controlled substances cocaine base (9041L000) and cocaine hydrochloride (9041L005) when sentencing within the sentencing range of the grid block.

(2) In presumptive imprisonment cases, the sentencing court shall pronounce the complete sentence which shall include the prison sentence, the maximum potential reduction to such sentence as a result of good time and the period of postrelease supervision at the sentencing hearing. Failure to pronounce the period of postrelease supervision shall not negate the existence of such period of postrelease supervision.

(3) In presumptive nonprison cases, the sentencing court shall pronounce the prison sentence as well as the duration of the nonprison sanction at the sentencing hearing.

(d) Each grid block states the presumptive sentencing range for an offender whose crime of conviction and criminal history place such offender in that grid block. If an offense is classified in a grid block below the dispositional line, the presumptive disposition shall be nonimprisonment. If an offense is classified in a grid block above the dispositional line, the presumptive disposition shall be imprisonment. If an offense is classified in grid blocks 3-E, 3-F, 3-G, 3-H or 3-I, the court may impose an optional nonprison sentence upon making the following findings on the record:

(1) An appropriate treatment program exists which is likely to be more effective than the presumptive prison term in reducing the risk of offender recidivism; and

(2) the recommended treatment program is available and the offender can be admitted to such program within a reasonable period of time; or

(3) the nonprison sanction will serve community safety interests by promoting offender reformation.

Any decision made by the court regarding the imposition of an optional nonprison sentence if the offense is classified in grid blocks 3-E, 3-F, 3-G, 3-H or 3-I shall not be considered a departure and shall not be subject to appeal.

(e) The sentence for a second or subsequent conviction of K.S.A. 2011 Supp 21-5703 and amendments thereto, manufacture of any controlled substance or controlled substance analog shall be a presumptive term of imprisonment of two times the maximum duration of the presumptive term of imprisonment. The court may impose an optional reduction in such sentence of not to exceed 50% of the mandatory increase provided by this subsection upon making a finding on the record that one or more of the mitigating factors as specified in K.S.A. 2011 Supp 21-6815 (formerly 21-4716) and amendments thereto justify such a reduction in sentence.

Any decision made by the court regarding the reduction in such sentence shall not be considered a departure and shall not be subject to appeal.

(f) *(1)* The sentence for a third or subsequent felony conviction of K.S.A. 2011 Supp. 21-5706, and amendments thereto, shall be a presumptive term of imprisonment and the defendant shall be sentenced to prison as provided by this section*. Such term of imprisonment shall be served in a facility designated by the secretary of corrections in the custody of the secretary of corrections to participate in an intensive substance abuse treatment program. The intensive substance abuse treatment program shall be determined by the secretary of corrections, but shall be for a period of at least four months. Upon the successful completion of such intensive treatment program, the offender shall be returned to the court and the court may modify the sentence by directing that a less severe penalty be imposed in lieu of that originally adjudged within statutory limits. If the offender's term of imprisonment expires, the offender shall be placed under the applicable period of postrelease supervision.*

(2) If the defendant has previously completed a certified drug abuse treatment program, as provided in K.S.A. 2007 Supp. 75-52,144, and amendments thereto, ~~or~~ has been discharged or refused to participate in a certified drug abuse treatment program, as provided in K.S.A. 2007 Supp. 75-52,144, and amendments thereto*, has completed an intensive substance abuse treatment program under paragraph (1) or has been discharged or refused to participate in an intensive substance abuse treatment program under paragraph (1), such defendant's term of imprisonment shall not be subject to modification under paragraph (1)*.
~~Such sentence~~ *The sentence under this subsection* shall not be considered a departure and shall not be subject to appeal.

K.S.A. 2011 Supp. 21-6813 (formerly 21-4714, 2011 House Bill 2668). Presentence investigation report; information included; part of court record; confidential information, disclosure to certain parties; report format.

(a) The court shall order the preparation of the presentence investigation report by the court services officer as soon as possible after conviction of the defendant.

(b) Each presentence report prepared for an offender to be sentenced for one or more felonies committed on or after July 1, 1993, shall be limited to the following information:

(1) A summary of the factual circumstances of the crime or crimes of conviction.

(2) If the defendant desires to do so, a summary of the defendant's version of the crime.

(3) When there is an identifiable victim, a victim report. The person preparing the victim report shall submit the report to the victim and request that the information be returned to be submitted as a part of the presentence investigation. To the extent possible, the report shall include a complete listing of restitution for damages suffered by the victim.

(4) An appropriate classification of each crime of conviction on the crime severity scale.

(5) A listing of prior adult convictions or juvenile adjudications for felony or misdemeanor crimes or violations of county resolutions or city ordinances comparable to any misdemeanor defined by state law. Such listing shall include an assessment of the appropriate classification of the criminal history on the criminal history scale and the source of information regarding each listed prior conviction and any available source of journal entries or other documents through which the listed convictions may be verified. If any such journal entries or other documents are obtained by the court services officer, they shall be attached to the presentence investigation report. Any prior criminal history worksheets of the defendant shall also be attached.

(6) A proposed grid block classification for each crime, or crimes of conviction and the presumptive sentence for each crime, or crimes of conviction.

(7) If the proposed grid block classification is a grid block which presumes imprisonment, the presumptive prison term range and the presumptive duration of postprison supervision as it relates to the crime severity scale.

(8) If the proposed grid block classification does not presume prison, the presumptive prison term range and the presumptive duration of the nonprison sanction as it relates to the crime severity scale and the court services officer's professional assessment as to recommendations for conditions to be mandated as part of the nonprison sanction.

(9) For defendants who are being sentenced for a conviction of a felony violation of K.S.A. 2011 Supp. 21-5706, and amendments thereto, and meet the requirements of K.S.A. 2011 Supp. 21-6824, and amendments thereto, the drug abuse assessment as provided in K.S.A. 2011 Supp. 21-6824, and amendments thereto.

(10) For defendants who are being sentenced for a third or subsequent felony conviction of a violation of K.S.A. 2011 Supp. 21-5706, and amendments thereto, the drug abuse assessment as provided in K.S.A. 2011 Supp. 21-6824, and amendments thereto.

(c) The presentence report will become part of the court record and shall be accessible to the public, except that the official version, defendant's version and the victim's statement, any psychological reports, risk and needs assessments and drug and alcohol reports and assessments shall be accessible only to the parties, the sentencing judge, the department of corrections, and if requested, the Kansas sentencing commission. If the offender is committed to the custody of the secretary of corrections, the report shall be sent to the secretary and, in accordance with K.S.A. 75-5220 and amendments thereto to the warden of the state correctional institution to which the defendant is conveyed.

(d) The criminal history worksheet will not substitute as a presentence report.

(e) The presentence report will not include optional report components, which would be subject to the discretion of the sentencing court in each district except for psychological reports and drug and alcohol reports.

(f) The court can take judicial notice in a subsequent felony proceeding of an earlier presentence report criminal history worksheet prepared for a prior sentencing of the defendant for a felony committed on or after July 1, 1993.

(g) All presentence reports in any case in which the defendant has been convicted of a felony shall be on a form approved by the Kansas sentencing commission.

K.S.A. 2008 Supp. 22-3716 (2008 House Bill 2707). Arrest for violating condition of probation, assignment to community corrections, suspension of sentence or nonprison sanction, procedure; time limitation on issuing warrant; limitations on serving sentence in department of corrections' facility or serving period of postrelease supervision, exceptions.

(a) At any time during probation, assignment to a community correctional services program, suspension of sentence or pursuant to subsection (d) for defendants who committed a crime prior to July 1, 1993, and at any time during which a defendant is serving a nonprison sanction for a crime committed on or after July 1, 1993, or pursuant to subsection (d), the court may issue a warrant for the arrest of a defendant for violation of any of the conditions of release or assignment, a notice to appear to answer to a charge of violation or a violation of the defendant's nonprison sanction. The notice shall be personally served upon the defendant. The warrant shall authorize all officers named in the warrant to return the defendant to the custody of the court or to any certified detention facility designated by the court. Any court services officer or community correctional services officer may arrest the defendant without a warrant or may deputize any other officer with power of arrest to do so by giving the officer a written *or verbal* statement setting forth that the defendant has, in the judgment of the court services officer or community correctional services officer, violated the conditions of the defendant's release or a nonprison sanction. ~~The~~ *A* written statement delivered ~~with the~~

~~defendant by the arresting officer~~ to the official in charge of a county jail or other place of detention shall be sufficient warrant for the detention of the defendant. After making an arrest, the court services officer or community correctional services officer shall present to the detaining authorities a similar statement of the circumstances of violation. Provisions regarding release on bail of persons charged with a crime shall be applicable to defendants arrested under these provisions.

(b) Upon arrest and detention pursuant to subsection (a), the court services officer or community correctional services officer shall immediately notify the court and shall submit in writing a report showing in what manner the defendant has violated the conditions of release or assignment or a nonprison sanction. Thereupon, or upon an arrest by warrant as provided in this section, the court shall cause the defendant to be brought before it without unnecessary delay for a hearing on the violation charged. The hearing shall be in open court and the state shall have the burden of establishing the violation. The defendant shall have the right to be represented by counsel and shall be informed by the judge that, if the defendant is financially unable to obtain counsel, an attorney will be appointed to represent the defendant. The defendant shall have the right to present the testimony of witnesses and other evidence on the defendant's behalf. Relevant written statements made under oath may be admitted and considered by the court along with other evidence presented at the hearing. Except as otherwise provided, if the violation is established, the court may continue or revoke the probation, assignment to a community correctional services program, suspension of sentence or nonprison sanction and may require the defendant to serve the sentence imposed, or any lesser sentence, and, if imposition of sentence was suspended, may impose any sentence which might originally have been imposed. Except as otherwise provided, no offender for whom a violation of conditions of release or assignment or a nonprison sanction has been established as provided in this section shall be required to serve any time for the sentence imposed or which might originally have been imposed in a state facility in the custody of the secretary of corrections for such violation, unless such person has already at least one prior assignment to a community correctional services program related to the crime for which the original sentence was imposed, except these provisions shall not apply to offenders who violate a condition of release or assignment or a nonprison sanction by committing a new misdemeanor or felony offense. The provisions of this subsection shall not apply to adult felony offenders as described in subsection (a)(3) of K.S.A. 75-5291, and amendments thereto. The court may require an offender for whom a violation of conditions of release or assignment or a nonprison sanction has been established as provided in this section to serve any time for the sentence imposed or which might originally have been imposed in a state facility in the custody of the secretary of corrections without a prior assignment to a community correctional services program if the court finds and sets forth with particularity the reasons for finding that the safety of the members of the public will be jeopardized or that the welfare of the inmate will not be served by such assignment to a community correctional services program. When a new felony is committed while the offender is on probation or assignment to a community correctional services program, the new sentence shall be imposed pursuant to the consecutive sentencing requirements of K.S.A. 2011 Supp. 21-6606 (formerly 21-4608) and amendments thereto, and the court may sentence the offender to imprisonment for the new conviction, even when the new crime of conviction otherwise presumes a nonprison sentence. In this event, imposition of a prison sentence for the new crime
does not constitute a departure.

(c) A defendant who is on probation, assigned to a community correctional services program, under suspension of sentence or serving a nonprison sanction and for whose return a warrant has been issued by the court shall be considered a fugitive from justice if it is found that the warrant cannot be served. If it appears that the defendant has violated the provisions of the defendant's release or assignment or a nonprison sanction, the court shall determine whether the time from the issuing of the warrant to the date of the defendant's arrest, or any part of it, shall be counted as time served on probation, assignment to a community correctional services program, suspended sentence or pursuant to a nonprison sanction.

(d) The court shall have 30 days following the date probation, assignment to a community correctional service program, suspension of sentence or a nonprison sanction was to end to issue a warrant for the arrest or notice to appear for the defendant to answer a charge of a violation of the conditions of probation, assignment to a community correctional service program, suspension of sentence or a nonprison sanction.

(e) Notwithstanding the provisions of any other law to the contrary, an offender whose nonprison sanction is revoked and a term of imprisonment imposed pursuant to either the sentencing guidelines grid for nondrug or drug crimes shall not serve a period of postrelease supervision upon the completion of the prison portion of

that sentence. The provisions of this subsection shall not apply to offenders sentenced to a nonprison sanction pursuant to a dispositional departure, whose offense falls within a border box of either the sentencing guidelines grid for nondrug or drug crimes, offenders sentenced for a ‘‘sexually violent crime’’ as defined by K.S.A. 22-3717, and amendments thereto, or whose nonprison sanction was revoked as a result of a conviction for a new misdemeanor or felony offense. The provisions of this subsection shall not apply to offenders who are serving or are to begin serving a sentence for any other felony offense that is not excluded from postrelease supervision by this subsection on the effective date of this subsection. The provisions of this subsection shall be applied retroactively. The department of corrections shall conduct a review of all persons who are in the custody of the department as a result of only a revocation of a nonprison sanction. On or before September 1, 2000, the department shall have discharged from postrelease supervision those offenders as required by this subsection.

(f) Offenders who have been sentenced pursuant to K.S.A. 2011 Supp. 21-6824 (formerly 21-4729), and amendments thereto, and who subsequently violate a condition of the drug and alcohol abuse treatment program shall be subject to an additional nonprison sanction for any such subsequent violation. Such nonprison sanctions shall include, but not be limited to, up to 60 days in a county jail, fines, community service, intensified treatment, house arrest and electronic monitoring.

K.S.A. 2008 Supp. 22-3716 (2008 House Bill 2780). Arrest for violating condition of probation, assignment to community corrections, suspension of sentence or nonprison sanction, procedure; time limitation on issuing warrant; limitations on serving sentence in department of corrections' facility or serving period of postrelease supervision, exceptions.

(a) At any time during probation, assignment to a community correctional services program, suspension of sentence or pursuant to subsection (d) for defendants who committed a crime prior to July 1, 1993, and at any time during which a defendant is serving a nonprison sanction for a crime committed on or after July 1, 1993, or pursuant to subsection (d), the court may issue a warrant for the arrest of a defendant for violation of any of the conditions of release or assignment, a notice to appear to answer to a charge of violation or a violation of the defendant’s nonprison sanction. The notice shall be personally served upon the defendant. The warrant shall authorize all officers named in the warrant to return the defendant to the custody of the court or to any certified detention facility designated by the court. Any court services officer or community correctional services officer may arrest the defendant without a warrant or may deputize any other officer with power of arrest to do so by giving the officer a written statement setting forth that the defendant has, in the judgment of the court services officer or community correctional services officer, violated the conditions of the defendant’s release or a nonprison sanction. The written statement delivered with the defendant by the arresting officer to the official in charge of a county jail or other place of detention shall be sufficient warrant for the detention of the defendant. After making an arrest, the court services officer or community correctional services officer shall present to the detaining authorities a similar statement of the circumstances of violation. Provisions regarding release on bail of persons charged with a crime shall be applicable to defendants arrested under these provisions.

(b) Upon arrest and detention pursuant to subsection (a), the court services officer or community correctional services officer shall immediately notify the court and shall submit in writing a report showing in what manner the defendant has violated the conditions of release or assignment or a nonprison sanction. Thereupon, or upon an arrest by warrant as provided in this section, the court shall cause the defendant to be brought before it without unnecessary delay for a hearing on the violation charged. The hearing shall be in open court and the state shall have the burden of establishing the violation. The defendant shall have the right to be represented by counsel and shall be informed by the judge that, if the defendant is financially unable to obtain counsel, an attorney will be appointed to represent the defendant. The defendant shall have the right to present the testimony of witnesses and other evidence on the defendant’s behalf. Relevant written statements made under oath may be admitted and considered by the court along with other evidence presented at the hearing. Except as otherwise provided, if the violation is established, the court may continue or revoke the probation, assignment to a community correctional services program, suspension of sentence or nonprison sanction and may require the defendant to serve the sentence imposed, or any lesser sentence, and, if imposition of sentence was suspended, may impose any sentence which might originally have been imposed. Except as otherwise provided, no offender for whom a violation of conditions of release

or assignment or a nonprison sanction has been established as provided in this section shall be required to serve any time for the sentence imposed or which might originally have been imposed in a state facility in the custody of the secretary of corrections for such violation, unless such person has already at least one prior assignment to a community correctional services program related to the crime for which the original sentence was imposed, except these provisions shall not apply to offenders who violate a condition of release or assignment or a nonprison sanction by committing a new misdemeanor or felony offense. The provisions of this subsection shall not apply to adult felony offenders as described in subsection (a)(3) of K.S.A. 75-5291, and amendments thereto. The court may require an offender for whom a violation of conditions of release or assignment or a nonprison sanction has been established as provided in this section to serve any time for the sentence imposed or which might originally have been imposed in a state facility in the custody of the secretary of corrections without a prior assignment to a community correctional services program if the court finds and sets forth with particularity the reasons for finding that the safety of the members of the public will be jeopardized or that the welfare of the inmate will not be served by such assignment to a community correctional services program. When a new felony is committed while the offender is on probation or assignment to a community correctional services program, the new sentence shall be imposed pursuant to the consecutive sentencing requirements of K.S.A. 2011 Supp. 21-6606 (formerly 21-4608) and amendments thereto, and the court may sentence the offender to imprisonment for the new conviction, even when the new crime of conviction otherwise presumes a nonprison sentence. In this event, imposition of a prison sentence for the new crime does not constitute a departure.

(c) A defendant who is on probation, assigned to a community correctional services program, under suspension of sentence or serving a nonprison sanction and for whose return a warrant has been issued by the court shall be considered a fugitive from justice if it is found that the warrant cannot be served. If it appears that the defendant has violated the provisions of the defendant's release or assignment or a nonprison sanction, the court shall determine whether the time from the issuing of the warrant to the date of the defendant's arrest, or any part of it, shall be counted as time served on probation, assignment to a community correctional services program, suspended sentence or pursuant to a nonprison sanction.

(d) The court shall have 30 days following the date probation, assignment to a community correctional service program, suspension of sentence or a nonprison sanction was to end to issue a warrant for the arrest or notice to appear for the defendant to answer a charge of a violation of the conditions of probation, assignment to a community correctional service program, suspension of sentence or a nonprison sanction.

(e) Notwithstanding the provisions of any other law to the contrary, an offender whose nonprison sanction is revoked and a term of imprisonment imposed pursuant to either the sentencing guidelines grid for nondrug or drug crimes shall not serve a period of postrelease supervision upon the completion of the prison portion of that sentence. The provisions of this subsection shall not apply to offenders sentenced to a nonprison sanction pursuant to a dispositional departure, whose offense falls within a border box of either the sentencing guidelines grid for nondrug or drug crimes, offenders sentenced for a ''sexually violent crime'' *or a"sexually motivated crime"* as defined by K.S.A. 22-3717, and amendments thereto, ~~or~~ *offenders sentenced pursuant to K.S.A. 2011 Supp. 21-6804 (formerly 21-4704), and amendments thereto, wherein the sentence is presumptive imprisonment but a nonprison sanction may be imposed without a departure or offenders* whose nonprison sanction was revoked as a result of a conviction for a new misdemeanor or felony offense. The provisions of this subsection shall not apply to offenders who are serving or are to begin serving a sentence for any other felony offense that is not excluded from postrelease supervision by this subsection on the effective date of this subsection. The provisions of this subsection shall be applied retroactively. The department of corrections shall conduct a review of all persons who are in the custody of the department as a result of only a revocation of a nonprison sanction. On or before September 1, 2000, the department shall have discharged from postrelease supervision those offenders as required by this subsection.

(f) Offenders who have been sentenced pursuant to K.S.A. 2011 Supp. 21-6824, and amendments thereto, and who subsequently violate a condition of the drug and alcohol abuse treatment program shall be subject to an additional nonprison sanction for any such subsequent violation. Such nonprison sanctions shall include, but not be limited to, up to 60 days in a county jail, fines, community service, intensified treatment, house arrest and electronic monitoring.

K.S.A. 2011 Supp. 21-5706. Unlawful acts relating to possession of any opiates, opium, narcotic drugs or designated stimulants, or controlled substance analog; penalties.

(a) Except as authorized by the uniform controlled substances act, it shall be unlawful for any person to possess or have under such person's control any opiates, opium or narcotic drugs, or any stimulant designated in subsection (d)(1), (d)(3) or (f)(1) of K.S.A. 65-4107 and amendments thereto, or a controlled substance analog thereof. Any person who violates this subsection shall be guilty of a drug severity level 4 felony.

(b) It shall not be a defense to charges arising under this section that the defendant was acting in an agency relationship on behalf of any other party in a transaction involving a controlled substance.

(c) For purposes of the uniform controlled substances act, the prohibitions contained in this section shall apply to controlled substance analogs as defined in subsection (bb) of K.S.A. 65-4101 and amendments thereto.

(d) The provisions of this section shall be part of and supplemental to the uniform controlled substances act.

Any stimulant designated in subsection (d)(1), (d)(3) or (f)(1) of K.S.A. 65-4107:

K.S.A. 2007 Supp. 65-4107 (d)

(d) Any material, compound, mixture, or preparation which contains any quantity of the following substances having a potential for abuse associated with a stimulant effect on the central nervous system:

(1) Amphetamine, its salts, optical isomers and salts of its optical isomers.....1100;
(3) Methamphetamine, including its salts, isomers and salts of isomers.....1105

(f) Any material, compound, mixture, or preparation which contains any quantity of the following substances:

(1) Immediate precursor to amphetamine and methamphetamine: (A) phenylacetone.....850

Some trade or other names: phenyl-2-propanone; P2P; benzyl methyl ketone; methyl benzyl ketone.

K.S.A. 2008 Supp. 65-4162 (2008 House Bill 2545). Unlawful acts relating to possession of depressants, stimulants or hallucinogenic drugs or other substances; penalties.

(a) Except as authorized by the uniform controlled substances act, it shall be unlawful for any person to possess or have under such person's control:

(1) Any depressant designated in subsection (e) of K.S.A. 65-4105, subsection (e) of K.S.A. 65-4107, subsection (b) or (c) of K.S.A. 65-4109 or subsection (b) of K.S.A. 65-4111, and amendments thereto;

(2) any stimulant designated in subsection (f) of K.S.A. 65-4105, subsection (d)(2), (d)(4) or (f)(2) of K.S.A. 65-4107 or subsection (e) of K.S.A. 65-4109, and amendments thereto;

(3) any hallucinogenic drug designated in subsection (d) of K.S.A. 65-4105 and amendments thereto or designated in subsection (g) of K.S.A. 65-4107 and amendments thereto or designated in subsection (g) of K.S.A. 65-4109 and amendments thereto;

(4) any substance designated in subsection (g) of K.S.A. 65-4105, and amendments thereto, and designated in subsection (c), (d), (e), (f) or (g) of K.S.A. 65-4111 and amendments thereto; or

(5) any anabolic steroids as defined in subsection (f) of K.S.A. 65-4109, and amendments thereto.

(b) Except as otherwise provided, any person who violates this subsection shall be guilty of a class A nonperson misdemeanor. If any person has a prior conviction under this section, a conviction for a substantially similar offense from another jurisdiction or a conviction of a violation of an ordinance of any city or resolution of any county for a substantially similar offense if the substance involved was *3, 4-methylenedioxymethamphetamine (MDMA),* marijuana or tetrahydrocannabinol as designated in subsection (d) of K.S.A. 65-4105 and amendments thereto, then such person shall be guilty of a drug severity level 4 felony.

~~(b)~~ *(c)* It shall not be a defense to charges arising under this section that the defendant was acting in an agency relationship on behalf of any other party in a transaction involving a controlled substance.

~~(c)~~ *(d)* For purposes of the uniform controlled substances act, the prohibitions contained in this section shall apply to controlled substance analogs as defined in subsection (bb) of K.S.A. 65-4101 and amendments thereto.

~~(d)~~ *(e)* The provisions of this section shall be part of and supplemental to the uniform controlled substances act.

Any depressants designated in the following statutes:

K.S.A. 2008 Supp. 65-4105(e) (2008 Senate Bill 481 – this subsection remains unchanged)

(e) Any material, compound, mixture or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific designation:

(1) Mecloqualone 2572
(2) Methaqualone 2565
(3) Gamma hydroxybutyric acid

K.S.A. 2007 Supp. 65-4107(e)

(e) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers and salts of isomers whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation:

(1) Amobarbital.....2125
(2) Glutethimide.....2550
(3) Secobarbital.....2315
(4) Pentobarbital.....2270
(5) Phencyclidine.....7471

K.S.A. 2007 Supp. 65-4109(b) or (c)

(b) Unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a potential for abuse associated with a depressant effect on the central nervous system:

(1) Any compound, mixture or preparation containing:
  (A) Amobarbital.....2126
  (B) Secobarbital.....2316
  (C) Pentobarbital 2271
  or any salt thereof and one or more other active medicinal ingredients which are not listed in any schedule.
(2) Any suppository dosage form containing:
  (A) Amobarbital.....2126
  (B) Secobarbital.....2316

(C) Pentobarbital 2271
or any salt of any of these drugs and approved by the Food and Drug Administration for marketing only as a suppository.

(3) Any substance which contains any quantity of a derivative of barbituric acid, or any salt of a derivative of barbituric acid, except those substances which are specifically listed in other schedules.....2100
(4) Chlorhexadol.....2510
(5) Lysergic acid.....7300
(6) Lysergic acid amide 7310
(7) Methyprylon 2575
(8) Sulfondiethylmethane 2600
(9) Sulfonethylmethane 2605
(10) Sulfonmethane.....2610
(11) Tiletamine and zolazepam or any salt thereof.....7295
Some trade or other names for a tiletamine-zolazepam combination product: Telazol
Some trade or other names for tiletamine: 2- (ethylamino)-2-(2-thienyl)-cyclohexanone
Some trade or other names for zolazepam: 4- (2-fluorophenyl)-6,8-dihydro-1,3,8-trimethylpyrazolo- [3,4-e][1,4]-diazepin-7(1H)-one, flupyrazapon

(12) Ketamine, its salts, isomers, and salts of isomers.....7285
Some other names for ketamine: (plus-minus) -2-(2-chlorophenyl)-2-(methylamino) cyclohexanone
(13) Gamma hydroxybutyric acid, any salt, hydroxybutyric compound, derivative or preparation of gamma hydroxybutyric acid contained in a drug product for which an application has been approved under section 505 of the federal food, drug and cosmetic act

(c) Nalorphine.....9400

K.S.A. 2007 Supp. 65-4111(b)

(b) Any material, compound, mixture or preparation which contains any quantity of the following substances including its salts, isomers and salts of isomers whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation and having a potential for abuse associated with a depressant effect on the central nervous system:

1) Alprazolam 2882
2) Barbital 2145
3) Bromazepam 2748
4) Camazepam 2749
5) Chloral betaine 2460
6) Chloral hydrate 2465
7) Chlordiazepoxide..... 2744
8) Clobazam 2751
9) Clonazepam 2737
10) Clorazepate..... 2768
11) Clotiazepam 2752
12) Cloxazolam 2753
13) Delorazepam..... 2754
14) Diazepam 2765
15) Estazolam 2756
16) Ethchlorvynol 2540
17) Ethinamate..... 2545
18) Ethyl loflazepate..... 2758
19) Fludiazepam 2759
20) Flunitrazepam 2763
21) Flurazepam 2767
22) Halazepam..... 2762
23) Haloxazolam 2771
24) Ketazolam 2772
25) Loprazolam.....2773

(26) Lorazepam 2885
(27) Lormetazepam 2774
(28) Mebutamate 2800
(29) Medazepam.....2836
(30) Meprobamate 2820
(31) Methohexital 2264
(32) Methylphenobarbital
(mephobarbital) 2250
(33) idazolam 2884
(34) Nimetazepam 2837
(35) Nitrazepam 2834
(36) Nordiazepam 2838
(37) Oxazepam 2835
(38) Oxazolam..... 2839
(39) Paraldehyde..... 2585
(40) Petrichloral..... 2591
(41) Phenobarbital..... 2285
(42) Pinazepam..... 2883
(43) Prazepam 2764
(44) Quazepam 2881
(45) Temazepam..... 2925
(46) Tetrazepam..... 2886
(47) Triazolam 2887
(48) Zolpidem 2783
(49) Zaleplon 2781

Any stimulant designated in the following statutes:

K.S.A. 2008 Supp. 65-4105(f)(2008 Senate Bill 481- this subsection remains unchanged)

(f) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers and salts of isomers:

(1) Fenethylline.....1503
(2) N-ethylamphetamine.....1475
(3) (+)cis-4-methylaminorex ((+)cis-4,5-dihydro-4-methyl-5-phenyl- 2 oxazolamine).....1590
(4) N,N-dimethylamphetamine (also known as N,N-alpha-trimethyl-benzeneethanamine; N,N-alpha-trimethylphenethylamine).....1480
(5) Cathinone (some other names: 2-amino-1-phenol-1-propanone, alpha-amino propiophenone, 2-amino propiophenone and norphedrone).....1235

K.S.A. 2007 Supp. 65-4107 (d)(2), (d)(4) or (f)(2)

(d) Any material, compound, mixture, or preparation which contains any quantity of the following substances having a potential for abuse associated with a stimulant effect on the central nervous system:

(2) Phenmetrazine and its salts.....1631
(4) Methylphenidate.....1724

(f) Any material, compound, mixture, or preparation which contains any quantity of the following substances:

(2) Immediate precursors to phencyclidine (PCP):
(A) 1-phenylcyclohexylamine.....7460
(B) 1-piperidinocyclohexanecarbonitrile (PCC).....8603

K.S.A. 2007 Supp. 65-4109 (e)

(e) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers (whether optical, position or geometric) and salts of such isomers whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation:

(1) Those compounds, mixtures or preparations in dosage unit form containing any stimulant substance listed in schedule II, which compounds, mixtures or preparations were listed on August 25, 1971, as excepted compounds under section 308.32 of title 21 of the code of federal regulations, and any other drug of the quantitive composition shown in that list for those drugs or which is the same, except that it contains a lesser quantity of controlled substances.....1405
(2) Benzphetamine.....1228
(3) Chlorphentermine.....1645
(4) Chlortermine.....1647
(5) Phendimetrazine.....1615

***Any hallucinogenic drug designated in the following statutes*:**

K.S.A. 2008 Supp. 65-4105 (d)(2008 Senate Bill 481)

(d) Any material, compound, mixture or preparation which contains any quantity of the following hallucinogenic substances, their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation:

(1) 4-bromo-2,5-dimethoxy-amphetamine.....7391 Some trade or other names: 4-bromo-2,5-dimethoxy-alpha-methylphenethylamine; 4-bromo-2,5-DMA.
(2) 2,5-dimethoxyamphetamine.....7396 Some trade or other names: 2,5-dimethoxy-alpha-methyl-phenethylamine; 2,5-DMA.
(3) 4-methoxyamphetamine.....7411 Some trade or other names: 4-methoxy-alpha-methylphene- thylamine; paramethoxyamphetamine; PMA.
(4) 5-methoxy-3,4-methylenedioxy-amphetamine.....7401
(5) 4-methyl-2,5-dimethoxy-amphetamine.....7395 Some trade or other names: 4-methyl-2,5-dimethoxy-alpha-methylphenethylamine; "DOM"; and "STP".
(6) 3,4-methylenedioxy amphetamine.....7400
(7) 3,4-methylenedioxymethamphetamine (MDMA).....7405
(8) 3,4-methylenedioxy-N-ethylamphetamine (also known as N-ethyl-alpha-methyl-3,4 (methylenedioxy) phenethylamine, N-ethyl MDA, MDE, and MDEA).....7404
(9) N-hydroxy-3,4-methylenedioxyamphetamine (also known as N-hydroxy-alpha-methyl-3,4(methylenedioxy) phenethylamine, and N-hydroxy MDA).....7402
(10) 3,4,5-trimethoxy amphetamine.....7390

(11) Bufotenine.....7433 Some trade or other names: 3-(Beta-Dimethyl-aminoethyl)-5-hydroxyindole; 3-(2-dimethyl- aminoethyl)-5-indolol; N,N-dimethylserotonin; 5-hydroxy-N,N-dimethyltryptamine; mappine.
(12) Diethyltryptamine.....7434 Some trade or other names: N,N-Diethyltryptamine; DET.
(13) Dimethyltryptamine.....7435 Some trade or other names: DMT.
(14) Ibogaine.....7260 Some trade or other names: 7-Ethyl-6,6 Beta,7,8,9,10,12,13-octahydro-2-methoxy-6,9-methano -5H-pyrido[1',2':1,2] azepino [5,4-b]indole; Tabernanthe
iboga.
(15) Lysergic acid diethylamide.....7315
(16) Marihuana.....7360
(17) Mescaline.....7381
(18) Parahexyl.....7374 Some trade or other names: 3-Hexyl-l-hydroxy-7,8,9,10-tetrahydro-6,6,9- trimethyl-6H-dibenzo[b,d]pyran; Synhexyl.
(19) Peyote.....7415 Meaning all parts of the plant presently classified botanically as *Lophophora williamsii Lemaire*, whether growing or not, the seeds thereof, any extract from any part of such plant, and every compound, manufacture, salts, derivative, mixture or preparation of such plant, its seeds or extracts.
(20) N-ethyl-3-piperidyl benzilate.....7482
(21) N-methyl-3-piperidyl benzilate.....7484
(22) Psilocybin.....7437
(23) Psilocyn.....7438
(24) Tetrahydrocannabinols.....7370 Synthetic equivalents of the substances contained in the plant, or in the resinous extractives of Cannabis, sp. and/or synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity such as the following: Delta 1 cis or trans tetrahydrocannabinol, and their optical isomers Delta 6 cis or trans tetrahydrocannabinol, and their optical isomers Delta 3,4 cis or trans tetrahydrocannabinol, and its optical isomers (Since nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of numerical designation of atomic positions covered.)
(25) Ethylamine analog of phencyclidine.....7455 Some trade or other names: N-ethyl-1-phenyl- cyclo-hexylamine; (1-phenylcyclohexyl) ethylamine; N-(1-phenylcyclohexyl) ethylamine; cyclohexamine; PCE.
(26) Pyrrolidine analog of phencyclidine.....7458 Some trade or other names: 1-(1-phenylcyclo- hexyl)-pyrrolidine; PCPy; PHP.
(27) Thiophene analog of phencyclidine.....7470 Some trade or other names: 1-[1-(2-thienyl)- cyclohexyl]-piperidine; 2-thienylanalog of phencyclidine; TPCP; TCP.
(28) 1-[1-(2-thienyl)-cyclohexyl] pyrrolidine..... 7473 Some other names: TCPy
(29) 2,5-dimethoxy-4-ethylamphetamine.....7399 Some trade or other names: DOET
(30) Salvia divinorum or salvinorum A; all parts of the plant presently classified botanically as salvia divinorum, whether growing or not, the seeds thereof, any extract from any part of such plant, and every compound, manufacture, salts, derivative, mixture or preparation of such plant, its seeds or extracts.
(31) Datura stramonium, commonly known as gypsum weed or jimson weed; all parts of the plant presently classified botanically as datura stramonium, whether growing or not, the seeds thereof, any extract from any part of such plant, and every compound, manufacture, salts, derivative, mixture or preparation of such plant, its seeds or extracts.

K.S.A. 2007 Supp. 65-4107 (g)

(g) Any material, compound, mixture or preparation which contains any quantity of the following hallucinogenic substance, its salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation:

Nabilone.....7379

[Another name for nabilone: ()-trans-3-(1,1-dimethylheptyl)-6,6a,7,8,10,10a-hexahydro-1-hydroxy-6,6-dimethyl-9H-dibenzo[b,d] pyran-9-one]

***K.S.A.* 2007 Supp. *65-4109 (g*)**

(g) Any material, compound, mixture or preparation which contains any quantity of the following hallucinogenic substance, its salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation:

(1) Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a United States food and drug administration approved product.....7369

Some other names for dronabinol: (6aR-trans)-6a,7,8,10a-tetrahydro -6-6-9-trimethyl-3- pentyl-6H-dibenzo(b,d)pyran-1-0l, or (-)-delta-9- (trans)-tetrahydrocannabinol.

Any substance designated in the following statutes:

K.S.A. 2008 Supp. 65-4105 (g)(2008 Senate Bill 481 – this subsection remains unchanged)

(g) Any material, compound, mixture or preparation which contains any quantity of the following substances:

(1) N-[1-benzyl-4-piperidyl]-N-phenylpropanamide (benzylfentanyl), its optical isomers, salts and salts of isomers.....9818
(2) N-[1-(2-thienyl)methyl-4-piperidyl]-N-phenylpropanamide (thenylfentanyl), its optical isomers, salts and salts of isomers.....9834
(3) Methcathinone (some other names: 2-methylamino-1-phenylpropan-1-one: Ephedrone: Monomethylpropion: UR 1431, its salts, optical isomers and salts of optical isomers).....1237
(4) Aminorex (some other names: Aminoxaphen 2-amino-5-phenyl-2-oxazoline or 4,5-dihydro-
5-phenyl-2-oxazolamine, its salts, optical isomers and salts of optical isomers).....1585
(5) Alpha-ethyltryptamine, its optical isomers, salts and salts of isomers.....7249
Some other names: etryptamine, alpha-methyl-1H-indole-3-ethanamine; 3-(2-aminobutyl) indole.

K.S.A. 2007 Supp. 65-4111 (c), (d), (e), (f) or (g)

(c) Any material, compound, mixture, or preparation which contains any quantity of fenfluramine (1670), including its salts, isomers (whether optical, position or geometric) and salts of such isomers, whenever the existence of such salts, isomers and salts of isomers is possible. The provisions of this subsection (c) shall expire on the date fenfluramine and its salts and isomers are removed from schedule IV of the federal controlled substances act (21 United States code 812; 21 code of federal regulations 1308.14).

(d) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers (whether optical, position or geometric) and salts of such isomers whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation:

(1) Cathine ((+)-
norpseudoephedrine).....1230
(2) Diethylpropion.....1610
(3) Fencamfamin.....1760
(4) Fenproporex.....1575
(5) Mazindol.....1605
(6) Mefenorex.....1580
(7) Pemoline (including organometallic
complexes and chelates
thereof).....1530
(8) Phentermine.....1640

The provisions of this subsection (d)(8) shall expire on the date phentermine and its salts and isomers are removed from schedule IV of the federal controlled substances act (21 United States code 812; 21 code of federal regulations 1308.14).

(9) Pipradrol.....1750
(10) SPA((-)-1-dimethylamino-1,2-diphenylethane).....1635
(11) Sibutramine.....1675
(12) Mondafinil.....1680

(e) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following, including salts thereof:

(1) Pentazocine.....9709
(2) Butorphanol (including its optical isomers).....9720

(f) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation containing any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below:

(1) Not more than 1 milligram of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit.....9167
(2) Dextropropoxyphene (alpha-(+)-4-dimethylamino-1,2-diphenyl-3- methyl-2-propionoxybutane).....9278

(g) Butyl nitrite and its salts, isomers, esters, ethers or their salts.

Any anabolic steroids as defined in* 2007 Supp. *K.S.A. 65-4109 (f)

K.S.A. 2007 Supp. 65-4109 (f)

(f) Anabolic steroids.....4000
"Anabolic steroid" means any drug or hormonal substance, chemically and pharmacologically related to testosterone (other than estrogens, progestins, and corticosteroids) that promotes muscle growth, and includes:

(1) boldenone
(2) chlorotestosterone (4-chlortestosterone)
(3) clostebol
(4) dehydrochlormethyltestosterone
(5) dihydrotestosterone (4-dihydrotestosterone)
(6) drostanolone
(7) ethylestrenol
(8) fluoxymesterone
(9) formebulone (formebolone)
(10) mesterolone
(11) methandienone
(12) methandranone
(13) methandriol
(14) methandrostenolone
(15) methenolone
(16) methyltestosterone
(17) mibolerone
(18) nandrolone
(19) norethandrolone
(20) oxandrolone
(21) oxymesterone
(22) oxymetholone
(23) stanolone
(24) stanozolol
(25) testolactone
(26) testosterone
(27) trenbolone

(28) any salt, ester, or isomer of a drug or substance described or listed in this paragraph, if that salt, ester, or isomer promotes muscle growth.

(A) Except as provided in (B), such term does not include an anabolic steroid which is expressly intended for administration through implants to cattle or other nonhuman species and which has been approved by the United States' secretary of health and human services for such administration.
(B) If any person prescribes, dispenses or distributes such steroid for human use, such person shall be considered to have prescribed, dispensed or distributed an anabolic steroid within the meaning of this subsection (f).

K.S.A. 2008 Supp. 75-5291 (2008 Senate Bill 411). Community correctional services; grants to counties; placement of offenders, limitations; community corrections advisory committee, membership and duties.

(a) (1) The secretary of corrections may make grants to counties for the development, implementation, operation and improvement of community correctional services that address the criminogenic needs of felony offenders including, but not limited to, adult intensive supervision, substance abuse and mental health services, employment and residential services, and facilities for the detention or confinement, care or treatment of offenders as provided in this section except that no community corrections funds shall be expended by the secretary for the purpose of establishing or operating a conservation camp as provided by K.S.A. 75-52,127 and amendments thereto.

(2) Except as otherwise provided, placement of offenders in community correctional services programs by the court shall be limited to placement of adult offenders, convicted of a felony offense:

(A) Whose offense is classified in grid blocks 5-H, 5-I or 6-G of the sentencing guidelines grid for nondrug crimes or in grid blocks 3-E, 3-F, 3-G, 3-H or 3-I of the sentencing guidelines grid for drug crimes. In addition, the court may place in a community correctional services program adult offenders, convicted of a felony offense, whose offense is classified in grid blocks 6-H, 6-I, 7-C, 7-D, 7-E, 7-F, 7-G, 7-H or 7-I of the sentencing guidelines grid for nondrug crimes;

(B) whose severity level and criminal history score designate a presumptive prison sentence on either sentencing guidelines grid but receive a nonprison sentence as a result of departure;

(C) all offenders convicted of an offense which satisfies the definition of offender pursuant to K.S.A. 22-4902, and amendments thereto, and which is classified as a severity level 7 or higher offense and who receive a nonprison sentence, regardless of the manner in which the sentence is imposed;

D) any offender for whom a violation of conditions of release or assignment or a nonprison sanction has been established as provided in K.S.A. 22-3716, and amendments thereto, prior to revocation resulting in the offender being required to serve any time for the sentence imposed or which might originally have been imposed in a state facility in the custody of the secretary of corrections;

(E) on and after July 1, ~~2008~~ *2010*, for offenders who are expected to be subject to supervision in Kansas, who are determined to be "high risk or needs, or both" by the use of a statewide, mandatory, standardized risk assessment tool or instrument which shall be specified by the Kansas sentencing commission;

(F) placed in community correctional services programs as a condition of supervision following the successful completion of a conservation camp program; or

(G) who has been sentenced to community corrections supervision pursuant to K.S.A. 21-4729, and amendments thereto.

(3)*(A)* Notwithstanding any law to the contrary and subject to the availability of funding therefore, adult offenders sentenced to community supervision in Johnson county for felony crimes that occurred on or after July 1, 2002, but before July 1, ~~2008~~ *2010*, shall be placed under court services or community corrections supervision based upon court rules issued by the chief judge of the 10th judicial district. The provisions contained in this subsection shall not apply to offenders transferred by the assigned agency to an agency located outside of Johnson county. The provisions of this ~~section~~ *paragraph* shall expire on July 1, ~~2008~~ *2010*.

(B) On or before the first day of the 2009 legislative session, the Kansas sentencing commission shall submit a written report on such offender program to the senate standing committee on judiciary and the House of Representatives standing committee on judiciary.

(4) Nothing in this act shall prohibit a community correctional services program from providing services to juvenile offenders upon approval by the local community corrections advisory board. Grants from community corrections funds administered by the secretary of corrections shall not be expended for such services.

(5) The court may require an offender for whom a violation of conditions of release or assignment or a nonprison sanction has been established, as provided in K.S.A. 22-3716, and amendments thereto, to serve any time for the sentence imposed or which might originally have been imposed in a state facility in the custody of the secretary of corrections without a prior assignment to a community correctional services program if the court finds and sets forth with particularity the reasons for finding that the safety of the members of the public will be jeopardized or that the welfare of the inmate will not be served by such assignment to a community correctional services program.

(b) (1) In order to establish a mechanism for community correctional services to participate in the department of corrections annual budget planning process, the secretary of corrections shall establish a community corrections advisory committee to identify new or enhanced correctional or treatment interventions designed to divert offenders from prison.

(2) The secretary shall appoint one member from the southeast community corrections region, one member from the northeast community corrections region, one member from the central community corrections region and one member from the western community corrections region. The deputy secretary of community and field services shall designate two members from the state at large. The secretary shall have final appointment approval of the members designated by the deputy secretary. The committee shall reflect the diversity of community correctional services with respect to geographical location and average daily population of offenders under supervision.

(3) Each member shall be appointed for a term of three years and such terms shall be staggered as determined by the secretary. Members shall be eligible for reappointment.

(4) The committee, in collaboration with the deputy secretary of community and field services or the deputy secretary's designee, shall routinely examine and report to the secretary on the following issues:

(A) Efficiencies in the delivery of field supervision services;
(B) effectiveness and enhancement of existing interventions;
(C) identification of new interventions; and
(D) statewide performance indicators.

(5) The committee's report concerning enhanced or new interventions shall address:

(A) Goals and measurable objectives;
(B) projected costs;
(C) the impact on public safety; and
(D) the evaluation process.

(6) The committee shall submit its report to the secretary annually on or before July 15 in order for the enhanced or new interventions to be considered for inclusion within the department of corrections budget request for community correctional services or in the department's enhanced services budget request for the subsequent fiscal year.

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CHAPTER II: APPLICATION OF SB 123
(K.S.A. 21-4729 and Related Statutes)

K.S.A. 21-4729 requires participation in a certified drug abuse treatment program for a defined target population of nonviolent adult offenders who have been convicted of a K.S.A. 2007 Supp. 2011 Supp. 21-5706 or 65-4162 drug offense and such offender has no prior convictions of drug trafficking, drug manufacturing or drug possession with intent to sell.

Unless the court orders otherwise, as part of the presentence investigation, this target population of offenders will receive a drug abuse assessment and a standardized risk assessment. The drug abuse assessment measures the offender's level of substance abuse/dependence and the standardized risk assessment (i.e., the Level of Services Inventory-Revised© "LSI-R©") assesses the offender's risk of re-offending and their criminogenic needs (i.e., crime producing behaviors).

At sentencing, the court shall commit an offender who meets the requirements of K.S.A. 21-4729 to treatment in a certified substance abuse treatment program and to community supervision through a Community Corrections agency. The offender remains in treatment and under Community Corrections supervision until determined suitable for discharge by the court. The offender may remain in treatment and/or on supervision for up to 18 months. However, the KSC is only authorized to pay for treatment for up to 18 months from the scheduled start date. All offenders sentenced to drug abuse treatment under K.S.A. 21-4729 will be supervised by community corrections.

On or after July 1, 2006, the following offenders are no longer eligible for SB 123 treatment: A) Offenders who are residents of another state <u>and</u> are returning to such state pursuant to the interstate corrections compact or the interstate compact for adult offender supervision; or (B) offenders who are not lawfully present in the United States <u>and</u> being detained for deportation. K.S.A. 21-4729(h). K.S.A. 2007 Supp. 75-52,144 requires drug abuse treatment programs servicing K.S.A. 21-4729 offenders to be certified by the Kansas Department of Corrections (KDOC). The KDOC only has authority to certify drug abuse treatment programs within the state of Kansas. The Kansas Sentencing Commission (KSC) is only authorized to pay for drug abuse treatment services delivered by those agencies certified by the KDOC under K.S.A. 2007 Supp. 75-52,144. Therefore, it is recommended that sentencing courts, in their discretion, depart from the sentencing requirements of K.S.A. 21-4729, thereby allowing these offenders to return to their state or country of residence.

The drug abuse treatment programs certified by the KDOC to provide services to offender sentenced pursuant to K.S.A. 21-4729, provide one or more treatment options in the continuum of services needed for this population of offenders to reach recovery. Certified drug abuse treatment programs may include community based or faith based programs. The cost for drug abuse assessments and certified drug abuse treatment programs will be paid by the KSC from funds appropriated for that purpose. The sentencing court shall determine the extent, if any, that an offender is able to pay for substance abuse assessment and treatment and these payments shall be used to offset costs to the state. K.S.A. 2007 Supp. 75-52,144(d). When collected, these funds are to be submitted to the Kansas Sentencing Commission.

The goal of this sentencing policy is to provide community based punishment and the opportunity for treatment to nonviolent offenders with drug abuse problems in order to more effectively address the revolving door of drug addicts through the state prisons, which should be reserved for serious, violent offenders. Sentences under K.S.A. 21-4729 result in a drug severity level 4 felony conviction.

Sentencing Practices and Procedures

Drug abuse treatment, in lieu of incarceration, resulted in several changes to sentencing practices and procedures for offenders convicted of felony drug possession. These changes focus on various levels of treatment options, establishment of certain and immediate sanctions for drug usage and a comprehensive continuum of sanctions that include offender accountability while safeguarding public safety. Provisions of this sentencing policy include the following elements:

A) All "pure" drug possession convictions (i.e., K.S.A. 2011 Supp. 21-5706, 65-4162) are sentenced on severity level 4 of the drug grid.

B) Adult offenders with current possession convictions, criminal history 4-E, 4-F, 4-G, 4-H and 4-I (presumptive probation boxes) of the drug grid, with no prior convictions for drug trafficking, drug manufacture or drug possession with intent to sell receive mandatory drug abuse treatment and community supervision through community corrections.

C) Adult offenders with current possession convictions, criminal history 4-A, 4-B, 4-C and 4-D (presumptive prison boxes) of the drug grid, with no prior convictions for drug trafficking, drug manufacture or drug possession with intent to sell are eligible for drug abuse treatment if the court finds that placement of these offenders in a drug abuse treatment program will not jeopardize public safety. This finding by the court is necessary due to these offenders having person felony convictions in their criminal history. These person felony convictions can only be severity level 8, 9, or 10 or nongrid offenses for consideration of placement in a drug abuse treatment program.

D) Placement of offenders with prior person felony convictions (severity level 8, 9 or 10 or nongrid offenses) are subject to the departure sentencing procedures. K.S.A. 21-4729(e). Such offenders may also be subject to postrelease if revoked from SB 123 treatment and required to complete an underlying prison sentence. See K.S.A. 2007 Supp. 22-3716(e).

E) The court will commit the offender sentenced under K.S.A. 21-4729 to participation in a certified drug abuse treatment program and community supervision through Community Corrections. This offender will remain in a certified drug abuse treatment program and under the supervision of Community Corrections until determined suitable for discharge from treatment and supervision by the court. The offender may remain in a certified drug abuse treatment program and/or on supervision for a period **not to exceed 18 months**.

Note: The KSC is authorized to pay for treatment for up to 18 months from the first scheduled treatment date.

F) The sentencing court shall determine the extent, if any an offender is able to pay for the drug abuse assessment and treatment. The sentencing court may delegate that task to community corrections.

G) Upon successful completion of the drug abuse treatment program, the offender may be discharged and is not subject to a period of postrelease supervision.

H) If the Court finds that an offender has demonstrated a pattern of intentional non-compliance or has refused to participate in the drug abuse treatment program or, the offender has been convicted of a new felony offense, the offender shall be discharged from this program and be subject to the revocation provisions of K.S.A. 21-4603d(n). Such revocation results in the offender serving the underlying prison term without credit for time spent participating in this program.

I) Offenders revoked from this drug abuse treatment/community corrections supervision program who serve their underlying prison term are not subject to a period of postrelease supervision unless, the offender was sentenced to the treatment pursuant to a general departure or through K.S.A. 21-4729(a)(2). In such cases, if the offender is revoked from the treatment and required to serve an underlying sentence the offender will be subject to a period of postrelease supervision. K.S.A. 21-4603d(n), 21-4729(e) and 22-3716(e).

J) **Prior to July 1, 2008,** upon a third or subsequent conviction for felony drug possession, the offender was eligible for SB 123 treatment if the offender had not attended such program before. **On and after July 1, 2008**, an offender is not eligible for SB 123 treatment upon a third or subsequent conviction for felony drug possession. 2008 House Bill 2780, amending K.S.A. 2007 Supp. 21-4705(f).

K) K.S.A. 21-4729 was effective upon publication in the statute book. The implementation date of the sentencing changes was November 1, 2003. K.S.A. 21-4729 is not retroactive and does not apply to offenders sentenced prior to that date.

The Target Population

The provisions of K.S.A. 21-4729 affects two groups of offenders, namely the 4-E, 4-F, 4-G, 4-H and 4-I (presumptive probation) grid boxes, and the 4-A, 4-B, 4-C and 4-D (presumptive prison) grid boxes. Offenders in grid boxes 4-A through 4-D have prior person felony convictions in their criminal history while those in 4-E through 4-I have non-person felony convictions in their criminal history. The target population of offenders for placement under this sentencing policy is:

A) Current and most severe offense of conviction is drug possession;

B) Criminal history classifications of E to I – "Mandatory placement" -- with no prior conviction of:

- K.S.A. 65-4142 (the unlawful acts involving proceeds derived from violations of the uniform substances control act statute);
- K.S.A. 65-4159 (the unlawful manufacturing or attempting such of any controlled substance statute);
- K.S.A. 65-4161 (unlawful acts relating to sale or distribution of opiates, opium, narcotic drugs or designated stimulants statute);
- K.S.A. 65-4163 (the unlawful acts relating to sale or distribution of depressants, stimulants or hallucinogenic drugs or other substances statute);
- K.S.A. 65-4164 (the unlawful acts relating to certain narcotic drugs statute); or
- Any similar offenses from another jurisdiction.

C) Criminal history classifications A to D (prior person felonies) if such person felonies were severity level 8, 9, or 10 or nongrid offenses and the sentencing court finds and set forth with particularity, that the safety of the members of the public will not be jeopardized by the offender's placement in the certified drug abuse treatment program and community corrections supervision – "Drug treatment with court finding" -- with no prior conviction of:

- K.S.A. 65-4142 (the unlawful acts involving proceeds derived from violations of the uniform substances control act statute);
- K.S.A. 65-4159 (the unlawful manufacturing or attempting such of any controlled substance statute);
- K.S.A. 65-4161 (unlawful acts relating to sale or distribution of opiates, opium, narcotic drugs or designated stimulants statute);
- K.S.A. 65-4163 (the unlawful acts relating to sale or distribution of depressants, stimulants or hallucinogenic drugs or other substances statute);
- K.S.A. 65-4164 (the unlawful acts relating to certain narcotic drugs statute); or
- Any similar offenses from another jurisdiction.

See K.S.A. 21-4729.

Assessment Process (LSI-R© and the SB 123 Drug Abuse Assessment Package)

The target population defines which offenders will be assessed for placement in certified drug abuse treatment program/community corrections supervision under this sentencing policy. As part of the presentence investigation, all offenders who meet the requirements of K.S.A. 21-4729 are subject to a drug abuse assessment and a standardized risk assessment. The drug abuse assessment measures the offender's level of substance abuse problem. The standardized risk assessment (i.e., the LSI-R©) measures the offender's risk of committing new crimes.

The drug abuse assessment shall be conducted by a drug abuse treatment agency certified by the Secretary of Corrections to perform assessments for SB 123 offenders. The presentence risk-need assessment (LSI-R©) shall be conducted by a community corrections officer. Both of these assessments should be completed before the sentencing hearing. The drug abuse assessment is only available to the parties, the sentencing court, the KDOC and if requested, the KSC. See K.S.A. 21-4714(c).

The SB 123 Assessment will be standardized and contain:

1) A standardized risk-need assessment, the Level of Service Inventory-Revised© (LSI-R©), to determine the offender's risk of re-offending (administered by a Community Corrections Officer);

2) A drug abuse assessment package (DAAP) – which contains:

a) The Substance Abuse Subtle Screening Inventory III (SASSI III) which is a substance abuse/addiction screening instrument;

b) The psychiatric status portion of the Addiction Severity Index (ASI) which is used here as a screening for mental health issues to indicate potential dual diagnosis offenders;

c) A clinical interview to determine social history; and

d) The 2003 – SB 123 Assessment Summary Form which provides the name and other demographic information about the offender along with the name of the Community Corrections office and the name of the SB 123 Treatment Provider. This form also identifies the SASSI-3 scores, and the ASI Psychiatric Status scores while providing a section for criminal history and other notes regarding the offender.

The SB 123 DAAP is then used in conjunction with the American Society of Addiction Medicine (ASAM) criteria to determine a recommended level of treatment for the offender. Final determination of treatment needs shall be made in consultation between the Community Corrections officer, the drug abuse assessment provider, and, if applicable, a mental health professional in the context of a team meeting.

Treatment Structure

Certified drug abuse treatment programs are required to provide one or more treatment options in the continuum of services needed to reach recovery and authorized via this implementation plan. Certified drug abuse treatment programs include the tools, techniques, and/or methods of a cognitive-based curriculum as part of treatment. Certified drug abuse treatment programs may include community-based or faith-based programs. The state-wide comprehensive drug treatment delivery system includes a continuum of services that allows the offender to move up or down the continuum as the recovery process requires. Regardless of the level of substance abuse treatment assessed, all treatment plans will include an aftercare component. The only exception to this rule is for those offenders who are assessed as not having substance abuse or dependence. For these offenders, the treatment recommendation shall be to a certified drug abuse education program with no aftercare attached to this modality.

It may be necessary for treatment placements to be outside an offender's local community if the necessary treatment modality is not available locally or if there is an extensive waiting list for such services.

Certified drug abuse treatment programs should include:

- Alcohol treatment in addition to drug treatment when needed or required;
- Family and auxiliary support services;
- Appropriate treatment for the offender based on the offender's assessment.

Authorized expenditures for K.S.A. 21-4729 treatment funds, disbursed by the Kansas Sentencing Commission, are:

- Treatment modalities deemed necessary for the offender; and
- 3rd (6-month post-discharge) ASI ($100) to the treatment provider completing the instrument after the full, completed form is submitted to the KSC.

The authorized expenditures for K.S.A. 21-4729 supervision funds, disbursed by the KDOC, are:

- supervision/case management which may include administrative costs;
- support services;
- child care;
- transportation;
- employment assistance;
- treatment costs allowable from supervision dollars; and
- the 3rd (6-month post-discharge) ASI incentive offender participation.

Prohibited expenditures from K.S.A. 21-4729 funds are:

- Treatment funds shall not be used for administration purposes or auxiliary services.
- Neither treatment nor supervision funds shall be used for:
    - temporary housing;
    - mental health treatment medications; or
    - drug replacement therapy (i.e., methadone programs, etc.).

Treatment Providers

Treatment providers are required to obtain KDOC certification, in addition to any other Kansas state licensing or certification requirements needed to provide drug and alcohol abuse treatment. Counselor certification focuses on cognitive behavior tool skills acquisition, facilitation ability, and other elements deemed necessary for certification by the Secretary of Corrections (see Chapter V). The substance abuse treatment counselor shall be a co-participant with the supervising Community Corrections officer in the case management decisions regarding an offender sentenced under this policy.

Certified drug abuse treatment providers are identifiable through the Total Offender Activity Documentation System (TOADS) available to all Kansas Community Corrections officers.

Discharge from a certified drug abuse treatment program

A) An offender shall be discharged from a sentence imposed pursuant to K.S.A. 21-4729 if the offender:

1) Is convicted of a new felony; or

2) Has a pattern of intentional conduct demonstrating the offender's refusal to comply with or to participate in the treatment program, as established by a judicial finding. K.S.A. 21-4729(f). Condition violations <u>may</u> also result in discharge from the mandatory drug abuse treatment. See *State v. Gumfory*, 281 Kan. 1168, (June 9, 2006) (holding that K.S.A. 21-4729(f)(1)(A) and (B) do not set forth exclusive grounds for revocation of an SB 123 sentence.)

B) An offender who subsequently violates a condition of the treatment program is subject to an additional nonprison sanction for any such subsequent violation. Such nonprison sanctions include but are not limited to: up to 60 days in a county jail, fines, community service, intensified treatment, house arrest and electronic monitoring. K.S.A. 2007 Supp. 22-3716(f).

C) Offenders who are discharged from the treatment program are subject to the revocation provisions of K.S.A. 21-4603d(n). K.S.A. 21-4729(f)(2).

D) An offender whose probation is revoked shall serve their underlying prison sentence without any credit for time spent participating in the treatment program. K.S.A. 21-4603d(n).

> **State v. Bee**, Labette District Court, No. 97,677, February 29, 2008
>
> The Court held that the defendant, who was originally sentenced under the provisions of K.S.A. 2003 Supp. 21-4729 and subsequently failed to report or enter into any drug treatment program, had his probation revoked based on a specific judicial finding and was correctly required to serve the underlying prison sentence. The district court did not err in failing to consider placement in Labette Correctional Conservation Camp or other nonprison sanctions.

E) Offenders revoked from this drug abuse treatment/community corrections supervision program who serve their underlying prison term are not subject to a period of postrelease supervision unless, the offender was sentenced to the treatment pursuant to a general departure or through K.S.A. 21-4729(a)(2). In such cases, if the offender is revoked from the treatment and required to serve an underlying sentence the offender will be subject to a period of postrelease supervision. K.S.A. 21-4603d(n), 21-4729(e) and 22-3716(e).

Special Sentencing Rule

K.S.A. 21-4705 requires that offender's sentenced for a third or subsequent conviction for a violation of either K.S.A. 2011 Supp. 21-5706 or 65-4162 are required to serve a presumptive term of imprisonment, **if:**

- The offender has previously completed a certified drug abuse treatment program;
- The offender has previously been discharged from a certified drug abuse treatment program as provided in K.S.A. 2007 Supp. 75-52,144; or
- The offender has previously refused to participate in a certified drug abuse treatment program as provided in K.S.A. 2007 Supp. 75-52,144.

This sentencing rule is not a departure and is not subject to appeal. See K.S.A. 21-4705(f).

Special Placement Provisions (Labette)

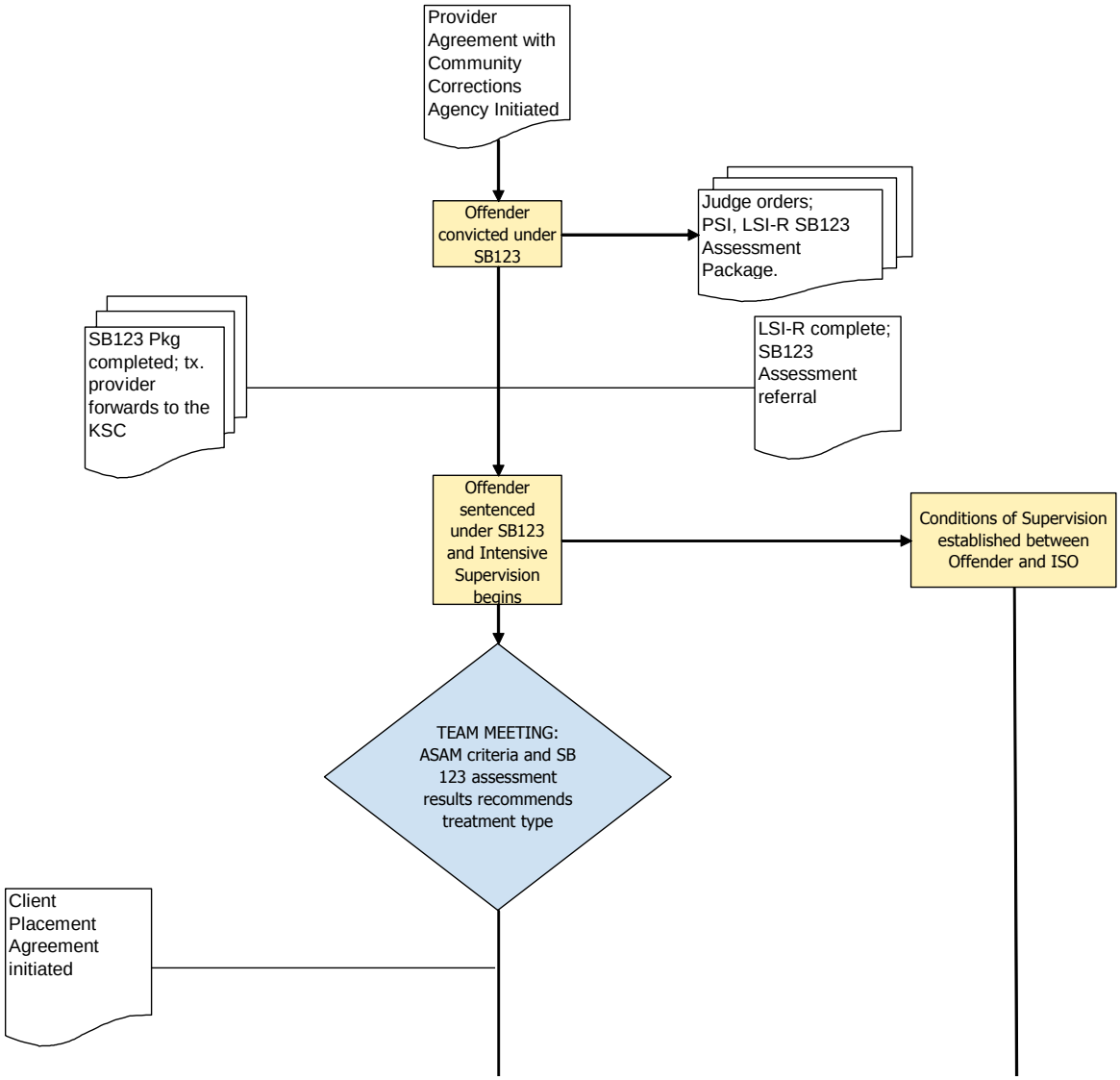
An offender whose offense is classified in the 4-E or 4-F drug grid boxes but does not qualify for participation in a certified drug abuse treatment program under this sentencing policy, <u>must be considered for the Labette Correctional Conservation Camp before a sentencing court may impose a dispositional departure</u>. K.S.A. 21-4603d(g).

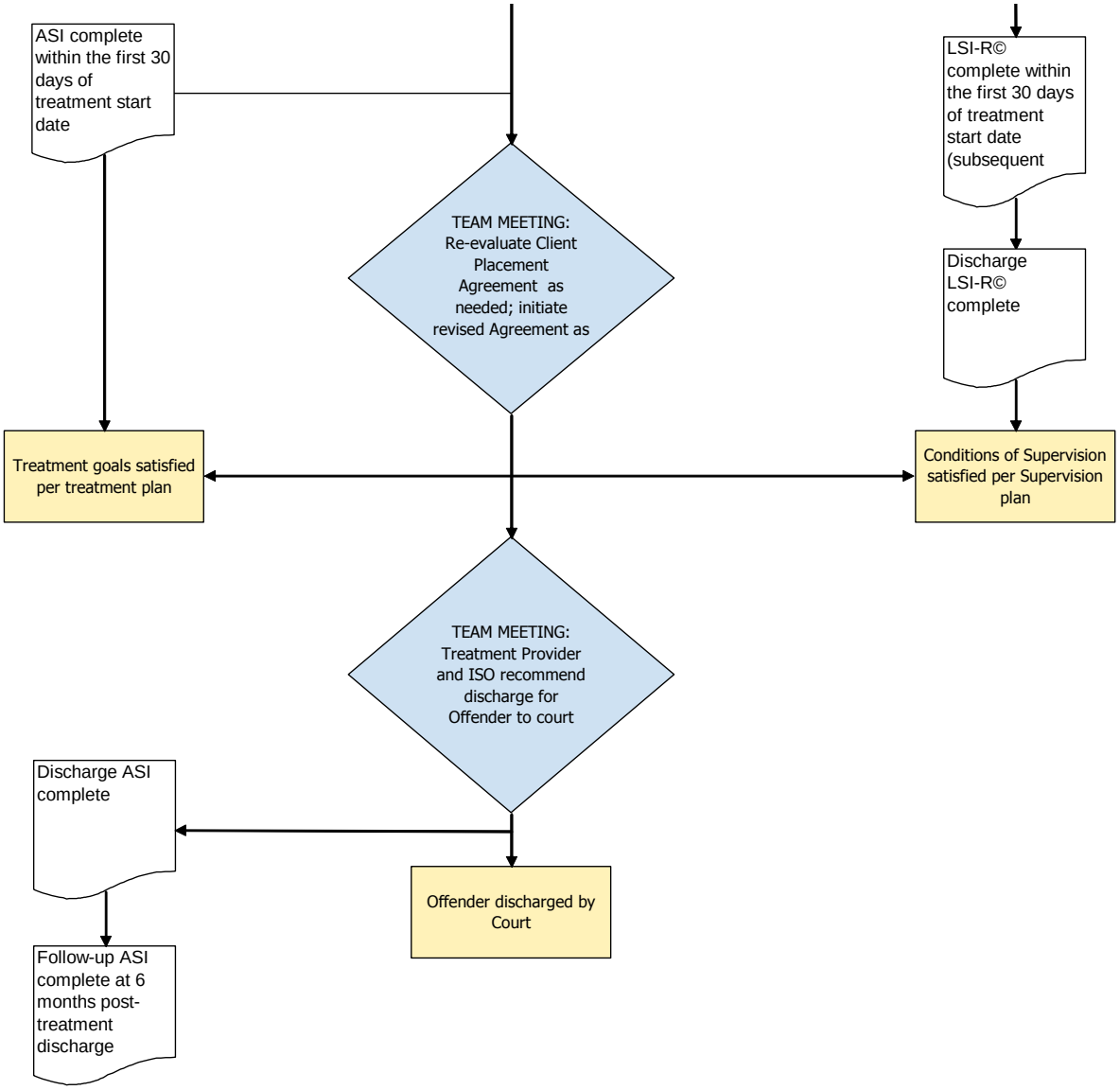
An offender whose offense is classified in the 4-E or 4-F drug grid boxes but does not qualify for participation in a certified drug abuse treatment program under this sentencing policy, <u>must be considered for the Labette Correctional Conservation Camp prior to the revocation of a nonprison sanction</u>. K.S.A. 21-4603d(g).

An offender whose offense is classified in the 4-E or 4-F drug grid boxes but does not qualify for participation in a certified drug abuse treatment program under this sentencing policy <u>may be placed by the Secretary of Corrections to the Labette Correctional Conservation Camp</u>. K.S.A. 21-4603d(l).

CHAPTER III: FLOW CHARTS

SB 123 Simple Flowchart




ASI complete within the first 30 days of treatment start date
LSI-R© complete within the first 30 days of treatment start date (subsequent
TEAM MEETING: Re-evaluate Client Placement Agreement as needed; initiate revised Agreement as
Discharge LSI-R© complete
Treatment goals satisfied per treatment plan
Conditions of Supervision satisfied per Supervision plan
TEAM MEETING: Treatment Provider and ISO recommend discharge for Offender to court
Discharge ASI complete
Offender discharged by Court
Follow-up ASI complete at 6 months post-treatment discharge

CHAPTER IV: COMMUNITY CORRECTIONS SUPERVISION

Introduction

2003 Senate Bill 123 (K.S.A. 21-4729) provides for community supervision (in lieu of incarceration) and mandatory substance abuse treatment for a defined target population of non-violent adult drug offenders who have been convicted of a drug offense under K.S.A. 2011 Supp. 21-5706 or a 65-4162. The substance abuse treatment for the eligible offenders shall include a continuum of treatment options including detoxification, in-patient and out-patient treatment services, continuing care/relapse prevention and substance abuse education services. The substance abuse treatment may include community-based or faith-based programs. This legislation applied to offenses committed on or after July 1, 2003 and which were sentenced on or after November 1, 2003.

Goal of the Alternative Sentencing Policy for Drug Possession Offenders

The goal of the mandatory substance abuse treatment is to provide community intervention and the opportunity for treatment to certain offenders with substance abuse problems in order to address more effectively the revolving door of drug addicts through the state prisons, which should be reserved for serious, violent offenders.

Target Population

The target population for placement in the mandatory drug abuse treatment is defined as follows:

- Current offense of conviction is for drug possession only, does not include manufacturing, drug trafficking or drug possession with intent to sell offenses;
- Criminal history classifications of I to E, (no prior person felony convictions); or offenders with prior conviction for person felonies on non-drug severity level 8, 9, and 10 or nongrid will be eligible upon the finding of the sentencing court that the offender does not pose a significant threat to public safety; and
    - Current departure procedures will be applicable for those offenders with non-drug severity level 8, 9 and 10 or nongrid person felony convictions
- No prior convictions for drug trafficking, drug manufacturing or drug possession with the intent to sale;
- On or after July 1, 2008, offenders with one prior conviction for drug possession will be eligible;
- Given the supervision and treatment structure underlying SB 123 implementation and policies, the 2006 legislature amended K.S.A. 21-4729 to provide that the following offenders are no longer eligible for a SB 123 sentence and shall be sentenced as otherwise provided by law;
    - Offenders who are out-of-state residents and who are returning to such state pursuant to interstate compact, or
    - Offenders who are not legally in the U.S. and being detained for deportation.

Sentencing Policy

Mandatory substance abuse treatment in lieu of incarceration (2003 - Senate Bill 123) resulted in several changes in sentencing practices for offenders convicted of drug possession. These policies focus on various levels of treatment options, establishment of certain and immediate sanctions for continued drug usage, and a comprehensive continuum of sanctions that include offender accountability, while safeguarding public safety. Since this is a post-conviction sentencing policy, all offenders sentenced under SB 123 have a felony conviction. There is no provision for retroactivity in this legislation. Existing sentences are not converted. Only those offenders who are sentenced on or after November 1, 2003 and who meet the criteria for the target population, are eligible for treatment under this legislation.

- All drug possession convictions are now on severity level 4 of the drug grid instead of the prior practice that enhanced the severity level to severity level 1 and 2 for a second, or a third or subsequent possession conviction.

- The border boxes on severity level 4 of the drug grid were replaced with presumptive non-prison boxes.
- Upon a third or subsequent conviction for a drug possession charge, if the offender has either completed at least one prior 18 month mandatory drug abuse treatment, has been discharged from such treatment or has refused to participate in such treatment, the offender's sentence will be to a presumptive prison term as provided by the drug grid.
- Offenders sentenced under this policy are sentenced to mandatory drug abuse treatment and community corrections supervision for a period of up to 18 months from the first scheduled treatment date.
- Possession of marijuana – A first conviction for this offense is classified as a misdemeanor and the second or subsequent convictions are classified as felony offenses. The misdemeanor classification remains in effect for the first conviction but all subsequent simple possession of marijuana convictions are drug severity level 4 felony offenses.
- Upon successful completion of the mandatory drug abuse treatment and supervision, the offender is eligible for discharge and not subject to a period of post-release supervision.
- Senate Bill 123 was effective upon its publication in the statute book, with a delayed implementation of the proposed sentencing policy changes on or after November 1, 2003.

Offender Accountability

If the offender is discharged unsuccessfully or displays a pattern of intentional conduct that demonstrates the offender's refusal to comply with or participate in the terms of the mandatory substance abuse treatment and supervision, the offender will be subject to the entire underlying prison sentence, with no credit for time served in the mandatory substance abuse treatment program.

The criteria that would define an offender's failure and shall result in the dismissal from a mandatory treatment program are:

- Conviction of a new felony offense; or
- A judicial finding that the offender has a pattern of intentional conduct that demonstrates the offender's refusal to comply with or participate in the terms of the mandatory substance abuse treatment and supervision. K.S.A. 21-4729(f).

However, K.S.A. 21-4610 grants the district court broad discretion concerning the conditions and revocation of probation. Therefore, condition violations may also result in discharge from the mandatory drug abuse treatment. See *State v. Gumfory*, 281 Kan. 1168, (June 9, 2006) (holding that K.S.A. 21-4729(f)(1)(A) and (B) do not set forth exclusive grounds for revocation of an SB 123 sentence.)

In addition, SB 123 offenders who subsequently violate a condition of the drug and alcohol abuse treatment program shall be subject to an additional nonprison sanction for any such subsequent violation. Such nonprison sanctions shall include, but not be limited to, up to 60 days in a county jail, fines, community service, intensified treatment, house arrest, electronic monitoring. K.S.A. 2007 Supp. 22-3716(f).

Team Meetings

- The purpose of the first team meeting is to bring the treatment provider and the supervision agency/officer together to discuss the level of treatment needed. The treatment provider and the officer should discuss the information gained during the interviews and assessment and mutually decide on the appropriate course of treatment and supervision. The first team meeting:
    - should occur within 30 days of assignment to community corrections and prior to sentencing if the local jurisdiction specifies assessment prior to sentencing.
    - should occur within 30 days of sentencing if the jurisdiction requires assessment after sentencing.

- shall include supervision and assessment/ treatment staff, and may also include mental health staff, offender, offender family or other individuals instrumental to the effective treatment and supervision of the offender. The agenda of the initial team meeting shall include a review of all instruments and a determination of treatment level based upon American Society of Addiction Medicine (ASAM) criteria and SB 123 drug abuse assessment package (DAAP) results.

- Community corrections agencies and treatment providers shall participate in team meetings on a routine basis to discuss the offender's progress regarding supervision and treatment, and to discuss additional services or interventions that the offender might need. These team meetings shall occur *a minimum* of once per month.
- A team meeting shall occur any time there is a change in the supervision or treatment status of the offender.
- A team meeting is required prior to an offender's discharge from a treatment modality or upon changing treatment providers.
- Responsibility for initiating the team meeting and the resulting documentation shall be determined by the supervising officer and the treatment provider, based upon needs or special factors in each case, or upon agreement within each jurisdiction.

Offender Assessment, Treatment, and Supervision

- All offenders meeting the target population criteria are placed under the supervision of community corrections.
  - Initial post-sentencing contact with community corrections must occur within 48-72 hours of sentencing.
- All offenders will be assessed for the risk of re-offending and the level of their substance abuse problem.
  - Most jurisdictions conduct these at the pre-sentence stage, however local courts have the flexibility to determine that assessments may occur post-sentencing, if the judge sentences the offender to SB 123 treatment and supervision.
- Offender Initial Assessment
  - Typically occurs at the pre-sentence phase.
    - The community corrections agency of jurisdiction is responsible to ensure that the initial LSI-R© is completed to assess the risk of re-offending. The LSI-R© score will determine the supervision level and identify the risk domains that should be addressed during supervision. Should an offender reside in an area apart from the jurisdiction of conviction, it is allowable for the community corrections agency serving the conviction jurisdiction to secure an agreement with another community corrections agency to complete this LSI-R©, if that is possible.
    - The SB 123 drug abuse assessment package (DAAP) must be completed to determine the level of treatment needed and must include:
      - SASSI III - performed by substance abuse assessor/treatment provider to determine the level of addiction;
      - Psychiatric Status portion of the ASI - performed by substance abuse assessor/treatment provider to determine if any coexisting conditions are indicated and a referral for an assessment by mental health professional is needed;
      - Clinical interview to determine social history – performed by substance abuse assessor/treatment provider; and
      - The SB 123 Assessment Summary Form – The SB 123 Assessment Form is a coversheet that summarized the components of the SB 123 Assessment. The elements of the SB 123 Summary Form:

1) names the treatment provider administering the assessment;
2) names the community corrections agency;
3) provides demographic information about the offender;
4) summarizes the SASSI III probability;
5) lists the scores of each profile;
6) provides space for comment on clinical history; and
7) indicated the initial treatment modality recommended

This information forms a basis for the assessor recommendation of initial treatment modality and that information is shared with the supervising officer during the team meeting.

- Determination of who makes the referral should be discussed during the team meeting. Either the treatment provider or the community corrections agency may make the referral. The primary concern here is that the referral is made quickly and followed up on by the treatment/supervision team.
- First Team Meeting.
  - The purpose of the first team meeting is to bring the treatment provider and the supervision agency/officer together to discuss the level of treatment needed. The treatment provider and the officer should discuss the information gained during the interviews and assessment and mutually decide on the appropriate course of treatment and supervision.
    - Occurs within first 30 days of assignment to community corrections and prior to sentencing if the local jurisdiction specifies assessment prior to sentencing.
    - It should occur within 30 days of sentencing if the jurisdiction requires assessment after sentencing.
    - Must include supervision and assessment/treatment staff, and may also include mental health staff, offender, offender family or other individuals instrumental to the effective treatment and supervision of the offender.
    - Review of all instruments.
    - Determination of treatment level based upon American Society of Addiction Medicine (ASAM) criteria.

- Subsequent ASI and LSI-R© assessments:
  - 1st (Initial) Addiction Severity Index (ASI) performed by treatment provider within 30 days of treatment start. This is the full ASI and not a partial ASI as completed for subsequent ASIs.
  - 2nd (Discharge) ASI performed by treatment provider at treatment discharge, after a team meeting verifying completion of the treatment program.
  - 3rd (Outcome or 6-month Follow-up) ASI performed six months after final discharge from SB 123 treatment program by the last treatment provider who delivered services to the offender.
  - LSI-R© reassessment every six months and at discharge by community corrections staff.
    - Regardless of conviction jurisdiction, it is the supervising jurisdiction's responsibility to complete the 6-month-*reassessment LSI-R©* on the offender. This includes agencies providing courtesy supervision for offenders convicted in another jurisdiction.
    - Regardless of conviction jurisdiction, it is the supervising jurisdiction's responsibility to complete the *discharge LSI-R©* on the offender. This includes agencies providing courtesy supervision for offenders convicted in another jurisdiction.

- Determination of indigent status and ability to pay for the drug abuse assessment and treatment costs rests with the sentencing court (see K.S.A. 2007 Supp. 75-52,144(d)) who may delegate the task to, or seek recommendations from community corrections.
- Community corrections agencies participate in team meetings with the treatment providers on a routine basis to discuss the offender's progress in supervision, treatment, and to discuss additional services or interventions that the offender might need.
- These team meetings shall occur *at a minimum* of once per month.
- Team meetings shall also occur at any time there is a change in the supervision or treatment status of the offender.
- A team meeting shall occur, and is required, prior to an offender being discharged from any treatment modality or changing treatment providers.
    - In order to document the occurrence of the team meetings, officer shall utilize the "intervention verification" contact type in TOADS. The documentation should include the type of meeting (telephone, in person, etc.), people participating in the meeting, as well as the content of the meeting. Discussion and documentation includes offender's progress in treatment, including but not limited to his/her participation in the process and level of commitment and involvement in treatment, his/her performance under supervision, exchange of information regarding employment, urinalysis testing, family issues, companions or any other information that would reflect behavior changes and compliance with the requirements of supervision and treatment.
    - Progress of the offender, in terms of both supervision and in terms of treatment progress will be noted on the Team Meeting Documentation Form (see Chapter VIII).
- Local community corrections agencies provide authorization and authentication for treatment services provided. Reflection of the authorization and authentication is confirmed via signatures on the Invoice for treatment services provided. Information regarding authorization of treatment shall be communicated between community corrections and treatment providers through the team meetings and through the Client Placement Agreements. Verification of treatment includes;
    - treatment service modalities received by offender,
    - treatment hours/days received by offender, and
    - treatment agency through which treatment services are delivered.
- Community Corrections agencies will enter into a Memorandum of Agreement with the Sentencing Commission (see Chapter VIII for MOA) for payment of treatment services delivered under the provisions of this sentencing policy (See K.S.A. 2007 Supp. 75-52,144(d)).

Treatment Structure

- It may be necessary for some treatment placements to be outside an offender's local community.
- Drug and Alcohol addiction issues may be addressed simultaneously when needed or required.
- Regardless of the level of substance abuse treatment assessed, **all treatment plans will include a relapse prevention/continuing care component.**
    - **Relapse prevention/continuing care** is a shift from outpatient treatment in terms of intensity of treatment, frequency of treatment, and/or the focus of the treatment service shifting to maintaining a lifestyle free from drug usage.
- The only exception to this rule is for those offenders who are assessed as not having substance abuse or dependence. For these offenders, the treatment plan shall be to a **certified drug abuse education** program with no relapse prevention/continuing care component attached. Offenders attending a drug abuse education program are required to complete a pre and post session test. A copy of the test is included in Chapter VIII of this manual.
    - Answers to this test may be obtained by emailing a request to SB123@kdoc.dc.state.ks.us. Requests will be honored only for verified treatment providers certified to deliver SB 123 services.
    - The scored pre and post test shall be submitted to the Kansas Sentencing Commission upon completion.
    - The scored pre and post test shall also be submitted to Community Corrections upon completion of the program.

- Offenders who relapse subsequent to the education class and prior to discharge from their current SB 123 sentence, may be required to complete additional treatment under SB 123, however, SB 123 will not pay for more than one substance abuse assessment per court case. The supervising officer should have a team meeting with the assessing agency to determine the appropriate level of services needed, and the referrals should be completed.
- Treatment programs should incorporate family and auxiliary support services as needed.
    - Should the offender be inpatient treatment for 30 days or more, outpatient family is required if the family is able, willing, and available to participate in the offender's recovery process. This is not billable as a separate item; it is considered an integral part of the treatment.

Treatment Provider Requirements

- Treatment agencies must be licensed as substance abuse treatment provider by SRS.
- Treatment providers are required to obtain additional certifications through the Kansas Department of Corrections (KDOC) in addition to any other state licensing or certification requirements to provide drug and alcohol treatment.
    - Treatment agencies certified by the Kansas Department of Corrections to deliver treatment services under SB 123 are listed in TOADS. Providers are certified to deliver specific modalities.
        - **Only those providers, for the modalities listed, are approved for SB 123 referrals. This listing must be consulted; agencies may move in and out of certified status over time.**
    - If an offender is making his/her own appointment, it is strongly recommended that such appointment be made within one working day.
    - If a substantial period of time lapses between intervention referral and intervention begins (entered) date, a re-verification of the certified status of the treatment provider is required.
- Treatment providers must provide a completed SB 123 Assessment form attached to the invoice for the assessment to Kansas Sentencing Commission (KSC). See Chapter VIII of this manual for the required SB 123 Assessment form.
- Treatment providers must provide each of the three Addiction Severity Index (ASI) assessments to the KSC.
    - 1st (Initial) ASI is to be completed within the first 30 days of treatment and should be the full ASI.
    - 2nd (Discharge) ASI is to be completed at treatment discharge, after a team meeting verifying completion of the treatment program and should include the underline portions only. This is discharge from the entirety of SB 123 substance abuse treatment.
        - 1st and 2nd ASIs are included in the billing structure as reflected in this manual.
    - 3rd (Outcome or 6-mon. Follow-up) ASI is to be completed 6-months after final discharge from the treatment program and should include the underlined portions only.
        - 3rd ASI is billable at an additional $100.
        - The last treatment provider providing substance abuse treatment services to the offender is responsible for performing the 3rd ASI.
- Treatment providers and Community Corrections officers must complete a Team Meeting Documentation form once each month to document the offender's progress with treatment and supervision. See Chapter VIII of this manual for the Team Meeting Documentation Form.
- Treatment providers must provide relevant testimony in court to support consensus findings between supervision and treatment staff regarding recommendations for revocation of the treatment and supervision sentence.
    - This is included in the treatment services and is not a separate billable event under SB 123 Treatment funding.
- Treatment providers must make themselves available for team meetings with supervision staff.
    - This is included in the treatment services and is not a separate billable event under SB 123 Treatment funding.

- Treatment providers shall execute a "Qualified Service Organization Agreement" (see Chapter VIII) with the Kansas Sentencing Commission as well as the "Senate Bill 123 Treatment Provider Agreement – Insurance, Billing, Receipts and Payment for Services for Treatment and Assessment" (see also Chapter VIII).
- Treatment providers shall execute a Provider Agreement (see Chapter VIII) with the Community Corrections agency or agencies who supervise the offenders under their care.

Authorized Expenditures of SB 123 Funds

The authorized expenditures for K.S.A. 21-4729 treatment funds, disbursed by the Kansas Sentencing Commission, are:

- Treatment modalities deemed necessary for the offender; and
- 3rd (6-month post-treatment-discharge) ASI ($100) to the treatment provider completing the instrument after the full, completed form is submitted to the KSC.

The authorized expenditures for K.S.A. 21-4729 supervision funds, disbursed by the KDOC, are:

- supervision/case management which may include administrative costs;
- support services;
- child care;
- transportation;
- employment assistance;
- interpreter services for non English speaking or hearing impaired offenders;
- treatment costs (allowable from supervision dollars) – inclusive of mental health treatment; and
- the 3rd (6-month post-discharge) ASI incentive offender participation.

Prohibited expenditures from K.S.A. 21-4729 funds are:

- Treatment funds shall not be used for administration purposes or auxiliary services.
- *Neither* treatment nor supervision funds shall be used for:
  - temporary housing;
  - mental health treatment medications; or
  - drug replacement therapy (e.g., methadone programs, etc.).

Acquisition and Payment of Treatment Services

Community corrections agencies enter into agreements for services with providers, both locally and across the state in order to acquire needed treatment modalities. While the modality chart (Chapter VI, p. 6-7) contains a cost cap for services, it does not preclude community corrections agencies from negotiating with service providers for lower rates, in order to stretch available treatment dollars. Agencies will complete a **Provider Agreement with Community Corrections Agency Form** (see Chapter VIII) with each treatment provider with whom they plan to utilize services. The treatment provider must furnish several documents to the community corrections agency on a routine basis. The treatment provider, along with the Community Corrections officer, must complete Team Meeting Documentation Form, and a **SB 123 Assessment Summary** form (see Chapter VIII), including the SASSI III subscale scores and the mental health screen result.

Treatment providers must provide community corrections with a completed **invoice for treatment services** statement for each offender each month, as well as make themselves available for Team meetings and court appearances. If the treatment providers do not meet requirements in a timely manner, a community corrections agency is not obligated to utilize them for treatment services.

All referrals to a treatment provider will be accompanied by **Client Placement Agreement.** The client placement agreement functions to identify the offender as a SB 123 offender. Community corrections staff must complete one on all offenders referred for services, and the offender must be given a copy to present to the treatment provider prior to the provider delivering services. Treatment providers *shall not* provide any treatment services unless they have one of these completed forms on the offender for whom

they are providing SB 123 services. The Client Placement Agreement must contain all required signatures. This eliminates self referrals to treatment providers and any confusion as to whether the person receiving services is eligible for SB 123 treatment payment.

Once a month, a billing statement ("Invoice for Purchase of Service" – See Chapter VIII) for each offender in treatment is generated. It may be generated by the provider or the community corrections agency. This decision is to be negotiated and maintained at the local level. (Chapter VI of this manual provides more detailed instructions for completing the Invoice.) The treatment provider is to mark the dates each modality of service was provided for the offender, complete the number of service units provided to the offender within the month, indicate the cost per unit as agreed to and reflected in the Provider Agreement with Community Corrections Agency, sign it and return it to community corrections. The treatment will be verified by the ISO or designated staff member, signed and forwarded to the agency director, who then authorizes payment. The completed form is then forwarded to the Kansas Sentencing Commission for payment to the treatment provider. The agency of supervision authorizes payment for the treatment. Agencies providing courtesy supervision for offenders should authorize the invoices for payment for offenders in treatment in their jurisdiction.

Treatment providers are required to submit invoices to community corrections agencies in a timely manner. Invoices are to be submitted to Community Corrections agencies **within ten (10) working days** of the end of the previous month. Once the invoices have been received, the agency has **five (5) working days** to review the invoice for accuracy and completeness, to obtain signatures that authorize payment, and to submit the invoices to the Sentencing Commission for payment processing. The Sentencing Commission may request that a community corrections agency submit, in writing, an explanation for any delay in this process. Prior to forwarding the invoice to the sentencing commission, the community corrections agency is responsible for verifying that the appropriate interventions have been entered in TOADS. The sentencing commission will not process invoice payments without corresponding intervention information in TOADS. It is the community corrections agency responsibility to ensure completion and readability of ALL fields and information on the invoice.

Invoices received from treatment providers submitted for treatment later than 45 days from the end of the month for which treatment is being billed shall be denied by the ISO and director, clearly identified on the invoice as denied, and sent to the Sentencing Commission as a denied claim.

Offender Reimbursements for Treatment

Offenders are expected to pay for their treatment if they are able. **Treatment providers must bill insurance companies when the offender has insurance or a medical card.** Offenders who are able to afford a partial payment towards treatment are required to reimburse the Kansas Sentencing Commission for treatment services based as specified by the sentencing court or community corrections. Offender reimbursements and insurance payments sent to the Sentencing Commission shall be accompanied by the Offender Reimbursement Remittance Form or the SB 123 Insurance Payment Remittance Form respectively (see Chapter VIII).

Agencies may elect to have the offender submit a money order or cashiers check directly to the Kansas Sentencing Commission when accompanied by the remittance form. The money order must contain the offender's name and DOC number, case number, and sentencing county. Another option available to agencies is to collect the money from the offender at the local level, and forward it to the Kansas Sentencing commission at least once per quarter. Again, a remittance form is required. The Sentencing Commission requires that the offender name, DOC number, case number, sentencing county, and date of payment be included on the form. Agencies electing to send the money to the Sentencing Commission on a quarterly basis will need to make sure that the offenders are given receipts for their payments. Remittance Forms are contained in the forms chapter of this manual and can be downloaded from the Sentencing Commission website.

In the event that an offender refuses to make reimbursement payments, the expectation is that agencies will impose sanctions on the offender similar to those that would be used if the offender were not making the required court payments or supervision fees to the agency as this is also a court imposed reimbursement.

Treatment modalities

Under SB 123 legislation, the offender is to be given one treatment episode per court case. It is allowable for the offender to move up and down the treatment continuum during this treatment episode, and the episode should include a continuing care component. SB 123 treatment funds will pay for ONE (1) substance abuse assessment per court case. When documenting intervention information in TOADS it is critical that officers create the intervention for the correct modality of treatment. They should insure that the referral date is completed, as well as the "entered date" which means the date that the offender actually entered the treatment modality. Termination date and termination reason shall be completed at the conclusion of each treatment modality.

Supervision of SB 123 offenders

Initial Contact Requirements

The Kansas Sentencing Commission, in its examination of other states with similar legislation found that the one common strength of the programs appeared to be the short amount of time between sentencing and first contact with supervision and subsequent entry in treatment. The shorter the time span between sentencing and first contact the less chance the offender would abscond or be lost in the system. The sooner the offender entered the appropriate treatment, the greater the likelihood of success with the offender. Community Corrections standards have been modified to insure offender contact with supervision staff no later than 72 hours after sentencing. Offenders sentenced under this legislation are presumed to have some type of substance usage issues ranging in severity from infrequent recreational usage to severe, long-term addictions. In order to monitor an offender's drug usage, urinalysis (UA) testing is necessary. To be effective, it should be random in timing and type, although testing for most common drugs used is also recommended. It should also be frequent enough to monitor drugs that are quickly metabolized in the system, such as cocaine and methamphetamine. All offenders should have a full screen urinalysis test at first contact with community corrections, and no later than 72 hours from sentencing. The initial contact standard also includes the requirement for this UA.

The applicable standard reads as follows:

Initial Contact and Orientation	
2A-PRO-100	Staff shall have contact with an offender within two (2) working days of notification of placement. ***Discussion:*** *Staff should provide offenders with temporary instructions regarding specific rules, restrictions on activities and whereabouts, expectations, orientation schedule, and related tasks. Staff should begin the process of gathering pertinent information and setting the tone of supervision. Unless prohibited by law, a photograph of the offender should be taken during the first contact.*
SB 123	For those sentenced under SB 123 the following shall apply: Staff shall have contact with each offender within 48-72 hours of sentencing, and complete a full drug screen on each offender. ***Discussion:*** *Refer to the comments in the above discussion section. Staff shall document in TOADS the completion of drug tests done during the first contact with SB 123 offenders.*

Initial Team Meetings

The purpose of the first team meeting is to bring the treatment provider and the supervision agency/officer together to discuss the level of treatment needed. The team meeting may also include mental health staff, offender, offender family or other individuals instrumental to the effective treatment and supervision of the offender.

The treatment provider and the officer should discuss the information gained during the interviews and assessment and mutually decide on the appropriate course of treatment and supervision. This meeting occurs within first 30 days of assignment to community corrections and prior to sentencing if the local jurisdiction specifies assessment prior to sentencing. It should occur within 30 days of sentencing if the jurisdiction requires assessment after sentencing.

Ongoing Contact Requirements

SB 323, implemented in FY 2001, created a target population for community corrections that included offenders whose criminal history and offense placed them in border boxes on the sentencing grid, and other presumptive probation offenders who were considered high risk and/or high needs, based upon a pre-sentence risk assessment. Under SB 123, the target population now adds to Community Corrections' supervision, offenders convicted of drug possession per K.S.A. 21-4729, who could have been originally sentenced to court services for standard probation. This target population does not distinguish whether or not the offender presents with high risk and or needs issues.

The core program offered by Community Corrections is intensive supervised probation (ISP). Ordinarily, ISP supervision is reserved for higher risk offenders, offenders convicted of more serious offenses, or offenders with more extensive criminal histories. In order to accommodate the SB 123 offenders who may have lower risk/needs scores and thus require less intensive supervision, the contact standards for community corrections were modified to add a fourth, lower level of supervision.

A Community Corrections Intensive Supervision Officer's (ISO's) interaction with the treatment provider is an integral part of the offender's supervision under SB 123 legislation. Intervention verification standards have been altered, based on level of supervision, to take this into account.

In the event an offender has a sentence under SB 123, and a non-SB 123 sentence, the standards applicable to SB 123 will take precedence. The intent of SB 123 legislation is to provide the needed treatment resources to offenders who have substance abuse issues while providing community-based supervision. By utilizing the LSI-R©, supervising officers can tailor the offender's supervision to address the presenting needs which are driving the criminal behavior.

The modified contact standards follows:

2A-PRO-107	Written policy, procedure, and practice shall require the following minimum contacts for offenders on **Intensive Supervision Level I**: Six (6) face-to-face contacts with the offender per month, as well as: • One (1) verification of the offender's residence per month; • One (1) verification of the offender's employment per month; • One (1) verification per month of the offender's participation,–attendance and progress in each required intervention. (Not applicable to SB 123 offenders) Required verifications shall be documented in TOADS and, minimally, indicate the method used to verify the offender's residence, employment, and participation and attendance in each required intervention. Required verifications may occur during face-to-face contacts with the offender.
SB 123	For those sentenced under SB 123 the following shall apply: • Weekly verifications of the offender's participation, attendance and progress in each required intervention. ***Discussion****: Effective case management practice includes using diverse methods to verify an offender's participation and attendance in all required interventions/activities. Variation in methods helps to ensure accountability through multiple sources, and minimizes opportunities for offenders to report inaccurate information, and prevents offenders from becoming accustomed to a set pattern of verification. Staff should include, but not limit, their efforts to onsite visits; written and verbal reports from resource providers; visits with family, friends, mentors, and other supportive individuals; electronic documentation and other appropriate methods approved by agency procedures. The number of contacts and verifications shall be based upon public safety, offender need and risk factors, and agency policy and procedures. Contacts and on-site verifications are encouraged as the need arises.*
2A-PRO-109	Written policy, procedure, and practice shall require the following minimum contacts for offenders **Intensive Supervision Level II**: Four (4) face-to-face contacts with the offender per month, as well as: • One (1) verification of the offender's residence every sixty (60) calendar days; • One (1) verification of the offender's employment per month; and, • One (1) verification per month of the offender's participation,–attendance and progress in each required intervention. (Not applicable to SB 123 offenders)
SB 123	For those sentenced under SB 123 the following shall apply: • Two (2) verifications per month of the offender's participation, and attendance and progress in each required intervention. Required verifications shall be documented in TOADS and, minimally, indicate the method used to verify the offender's residence, employment, and participation and attendance in each required intervention. Required verifications may occur during face-to-face contacts with the offender. ***Discussion:*** *Refer to the comments in the discussion section of standard #2A-PRO-107.*

2A-PRO-110	Written policy, procedure, and practice shall require the following minimum contacts for offenders on **Intensive Supervision Level III**: Two (2) face-to-face contacts with the offender per month, as well as: • One (1) verification of the offender's residence every ninety (90) calendar days; • One (1) verification of the offender's employment every sixty (60) calendar days; and • One (1) verification per month of the offender's participation attendance and progress in each required intervention. (Not applicable to SB 123 offenders) Required verifications shall be documented in TOADS and, minimally, indicate the method used to verify the offender's residence, employment, and participation and attendance in each required intervention. Required verifications may occur during face-to-face contacts with the offender.
SB 123	For those sentenced under SB 123 the following shall apply: • Two (2) verifications per month of the offender's participation, and attendance and progress in each required intervention. ***Discussion:*** *Refer to the comments in the discussion section of standard #2A-PRO-107.*
2A-PRO-110A **SB 123**	Written policy, procedure, and practice shall require the following minimum contacts for offender on Intensive Supervision Level IV: One (1) face-to-face contact with the offender per month, as well as: • One (1) verification of the offender's residence every ninety (90) calendar days; • One (1) verification of the offender's employment every sixty (60) calendar days; and, ▪ One (1) verification per month of the offender's participation, and attendance and progress in each required intervention. Contacts shall be documented in TOADS and, minimally, indicate the method used to verify the offender's residence, employment, and participation and attendance in each required intervention. Required verifications may occur during face-to-face contacts with the offender, or regularly scheduled Team Meetings. ***Discussion:*** *Refer to the comments in the discussion section of standard #2A-PRO-107.*

On-Going Team Meetings

Community Corrections agencies will participate on a routine basis in team meetings occurring at a ***minimum of once per month*** with the treatment providers. Such team meetings shall be documented in TOADS by the ISO utilizing the "intervention verification" contact type. If updated versions of TOADS provide a contact type of "TEAM MEETINGS", the officers will use that contact type to document the occurrence of team meetings. The documentation should include the type of meeting (telephone, in person, etc.), people participating in the meeting, as well as the content of the meeting.

At these team meetings, discussion topics shall include, but not be limited to, the offender's progress in treatment (including his/her participation in the process and level of commitment and involvement in treatment), his/her performance under supervision, exchange of information regarding employment, urinalysis testing, family issues, companions or any other information that would reflect behavior changes and compliance with the requirements of supervision and treatment.

A Team Meeting Documentation Form must be completed by both the community corrections supervising officer and the treatment provider (see Chapter VIII). Progress of the offender, in terms of both supervision and in terms of treatment progress will be noted.

Urinalysis Testing Requirements

Offenders sentenced under SB 123 legislation will be placed in treatment. These offenders will have substance use issues ranging from occasional recreational use to long-term, severe addictions. These offenders should be given UA's that target their addiction issues and drug(s) of choice. On-going substance abuse testing is an excellent way to monitor an offender's usage and ability to maintain a drug free lifestyle. Increased periods of time between positive UA's is an indicator that the offender is better able to remain substance free.

Authorization for Testing and Offender Selection

3A-SER-103 There shall be written policy, procedure, and practice that governs the selection and frequency of drug testing.

Discussion: *Drug testing can be unscheduled, or based on "reasonable suspicion". Staff should be allowed to test when, in their professional opinion it is in the best interest of the offender, the agency, and public safety to do so. Testing considerations may include, but are not limited to: 1) when there is reasonable suspicion, 2) when a new arrest occurs (especially for a drug offense) and the offender is found to be under the influence of a drug(s), 3) when a drug(s) is found in the offender's possession or in an area controlled, or occupied by the offender, 4) supervision level of a SB 123 offender, 5) the offender's drug of choice and length of time the drugs metabolites remain in the system, and 6) when an offender begins to demonstrate patterns of behavior which may indicate drug use. Staff should explore an offender's past and current history of use, treatment history, and information received from collateral sources.*

Level of Services Inventory – Revised© – (LSI-R©)

Offenders sentenced under SB 123 legislation will be assessed for their risk of re-offending and criminogenic needs using the LSI-R©. The following provides some basic information about the LSI-R©.

Why it was developed and what is it?

Dr. Don Andrews and Dr. James Bonta developed the Level of Service Inventory© - LSI© in Canada in the 1970's. Due to the changes in this population, the instrument later became the Level of Service Inventory –Revised© (LSI-R©).

The LSI-R© was developed as a means to help Canadian Probation Officers manage their caseloads without increased risk to the general public. In other words, they wanted the offender's level of risk to match the supervision level and intensity of interventions offered to that offender. This insured that they were effectively supervising the high-risk cases and not spending valuable time and resources on low risk cases. The items contained in the LSI-R© were selected with three main concerns:

1. Available research literature had to provide support for the item as a validated predictor of criminal behavior;
2. There had to be a high consensus among correctional professionals supporting the items;
3. Items chosen had to fit into the broadband social learning perspective on criminal behavior.

How does it fit with a seamless system?

By focusing on the research, professional wisdom, and theory, the tool has *wide applicability*. The LSI-R© has been validated to predict the following:

1. Rule violations and antisocial actions such as general criminal activity;
2. Violence;
3. Institutional misconduct;
4. Probation/Parole violations;
5. Success in residential placements, institutional placements and Probation/Parole, mental health agencies and voluntary placements;
6. Treatment planning; and
7. Program evaluation.

For whom has the LSI-R© been validated?

The LSI-R© has been validated for use with Males, Females, younger and older offenders, the economically disadvantaged, the mentally disadvantaged and minority populations.

Who can use the instrument and how long does it take?

Staff that have been properly trained in the principles of effective correctional intervention and the use of the LSI-R© can administer the Instrument. The LSI-R© can be administered and scored in 45 minutes to one hour. The instrument's score is compiled based on a file review, the offender's interview process, and collateral contacts for verification of information as necessary.

How long is the LSI-R© valid for each offender?

The LSI-R© assesses "dynamic risk factors" which means that the items can change over time. This allows for evaluation of the offender's progress in programming and to determine if his or her risk to the community is decreasing. Therefore, follow up assessments should be administered according to the needs of the program and offender. Follow up assessments can take as little as five minutes to complete if there has been regular contact with the offender.

What is the instrument and how much does it cost?

The LSI-R© contains 54 items that are divided into ten categories. The categories are;

- Criminal History,
- Education/Employment,
- Financial,
- Family/Marital,
- Accommodation,
- Leisure/Recreation,
- Companions,
- Alcohol/Drug Problem,
- Emotional/Personal, and
- Attitudes/Orientation.

An interview guide is available to assist the user in properly collecting information on all 54 items. The use of the Kansas Department of Corrections Scoring Guide (April 2004) is required by the Kansas Department of Corrections.

The publisher of the LSI-R© is Multi-Health Services. The LSI-R© is a copyrighted document. Community corrections agencies can tap into the unit cost allocated under a current KDOC agreement, each assessment (use) is $1.04. The instruments will be purchased through KDOC utilizing the contract. The funds will be withheld from the supervision allocation and be utilized to purchase licenses for all community corrections agencies.

What are the training costs and time commitments for becoming trained to use the LSI-R©?

Each training cycle consists of three modules: 1) A three-day Initial Training; 2) A five-week practice assessment period in which a minimum of 9 practice assessments and one video taped assessment are required; and 3) A one-day Follow-up Training. It is recommended that supervisors be included in the training to insure that the users are effectively using the instrument. The training is offered by Kansas Department of Corrections. Regional training is offered on a quarterly basis. Community Corrections Agencies would need to provide for overnight travel and per diem costs when applicable.

What are the Principles of Effective Correctional Treatment and how does the LSI-R© fit with the research?

The Principles of Effective Correctional Treatment are:

- Risk
- Need
- Responsivity
- Professional Discretion

The Risk Principle states that offender risk should be matched to the level of service and that higher levels of service should be reserved for high-risk cases. The LSI-R©'s primary purpose to assess an individual's probability for re-offending. It can be used in both community and institutional correctional settings to assess offender risk. Once risk is assessed, correctional staff can use the LSI-R© score to make decisions regarding placement, delivery of service, and release from supervision.

The Need Principle states that when dynamic risk factors (criminogenic needs) are changed, there is a subsequent decrease in the likelihood of further criminal behavior. The LSI-R© serves also as a need assessment and again can be used in both the community and institutional corrections. This tool targets need areas so that risk for recidivism can be both measured and lowered.

The Responsivity Principle states that other factors (both staff and offender) need to be taken into consideration in order for treatment to be effective. In general, cognitive behavioral treatments are the most effective, however, the program also needs to target those criminogenic needs already discussed and it needs to be the appropriate intensity.

Requirements for Administering the LSI-R© During Supervision

Community corrections officers administer a risk/needs assessment tool in the form of the LSI-R©. Only those community corrections staff who have been trained and certified in administering the LSI-R© may complete this assessment on offenders. The initial assessment must be completed within the first thirty days after referral from the Court. Officers administering the LSI-R© may use an interview guide when completing the assessment. All notes will be typed into the LSI-R© notes fields in TOADS when the instrument is scored. The results should be utilized at the Team meeting to help determine the offender's placement in substance abuse treatment and shall determine the level of supervision. Due to the evaluative component in the SB 123 legislation, an end-of-supervision assessment is required on all offenders sentenced under this legislation.

The applicable standards are described in the table that follows:

Standards for Administering the LSI-R© During Supervision

2A-PRO-105 Written policy, procedure, and practice shall require that a Risk/Needs Assessment Instrument, approved by the Department of Corrections, be used to determine an offender's Risk/Needs level and the minimum frequency of supervision contacts. The risk and needs assessment instrument shall be scored in accordance with instructions approved by the Department of Corrections.

- Until an initial risk and needs assessment is completed on the offender, an offender assigned to a community corrections agency shall be supervised on the highest supervision level.
- Staff shall complete an initial risk and needs assessment on each SB 123 offender during the Pre-Sentence Phase, within the guidelines set by the Court.
- If an initial risk assessment was not completed during the Pre-Sentence Phase, an initial risk and needs assessment shall be completed on each offender before the end of the first thirty (30) calendar days after admission to the agency.
- Staff shall complete a Risk and Needs Reassessment six (6) months after the initial risk and needs assessment and at discharge. If the discharge is successful <u>or</u> unsuccessful and a risk and needs assessment has been completed in the past thirty (30) days, completing another at discharge is not necessary.
- Other assessments shall only be the result of DRAMATIC negative or positive behavior changes or new information.
- The risk and needs assessment score shall govern the movement of offenders between supervision levels.
- Information that provides the basis for risk and needs assessment scores shall be documented in TOADS or the offender's files, whichever is most appropriate.

Discussion: A thorough review of all available information, verification of self-reported information (including that pertaining to residence, school and/or training, and employment) and frequent reference to the scoring instructions will help ensure scoring accuracy.

Consider DRAMATIC CHANGE to include behavior or circumstances that have the potential to impact an offender's level of risk in a negative or positive way. The impact might lower or increase the level of risk to such a degree that warrants a reassessment of risk. Some examples of DRAMATIC CHANGE are sustained employment or loss of employment, relapse or increased periods of abstinence, change in residence that results from negative or positive behavior, change in family circumstances such as marriage or divorce, a new conviction, discovery of new conviction information, or the completion of case plan objectives.

When there is a DRAMATIC CHANGE, consider how the change impacts other scoring elements, how strongly the change is tied to the offender's criminal patterns, and whether the change is of the magnitude to warrant a reassessment.

When the Court orders supervision by community corrections during the Pre-Sentence Phase and sentencing is delayed beyond six (6) months of the initial assessment date, staff need only complete a Risk and Needs Reassessment and not a second Initial.

Completion of each risk and needs assessments shall include an interview of the offender. If the offender is unavailable for interviewing at discharge, the risk and needs assessment shall be completed without benefit of an interview.

LSI-R© Supervision Cutoffs and Levels of Supervision

LSI-R© Cutoffs	Supervision Levels
33 +	Intensive Supervision Level I
25 – 32	Intensive Supervision Level II
17 – 24	Intensive Supervision Level III
0 – 16	Intensive Supervision Level IV

Total Offender Activity Documentation System - T.O.A.D.S.

Offenders sentenced under SB 123 are identified in TOADS for multiple purposes including the tracking and evaluation of program participants and programmatic performance. Their Average Daily Population will be tracked separately from Adult Intensive Supervision offenders. It is critical for officers to enter all information on offenders in TOADS. The evaluation piece, as required by the bill, extracts information from nearly all files in TOADS. The following areas are of critical importance and officers shall make sure that information is entered accurately, completely and in a timely fashion.

Demographics

- Identifies the offender and DOC number as well as other information.

Court Case information and Offense description

- Verifies sentencing under SB 123 and provides the statutes for the offenses under which the offender was sentenced, as well as length of sentence imposed and disposition of case, county of conviction, and original jurisdiction.
- **Sentence Type**
  - This field is the primary key field to identify an offender in TOADS as serving on a SB 123 sentence. Once an officer chooses either Pre-sentence SB 123 or Post-Sentence SB 123, a behind the scenes flag is created which is carried to and stored with all documents created for this offender in TOADS.
    - This flag will be attached as long as the SB 123 court case is marked as “open” in TOADS.
    - Once the court case is marked as “closed”, the flag will no longer be attached to any documents created in TOADS for that offender.
  - **Pre-Sentence SB 123**
    - Officers should choose this when the offender is in the pre-sentence phase and is convicted of a SB 123 offense and is pending sentencing.
    - THIS DOES **NOT** MEAN THAT THE OFFENDER WAS SENTENCED PRIOR TO THE PASSAGE OF SB 123 LEGISLATION.
    - Officers are required to complete some basic information such as case number, anticipated sentencing date, county of conviction, and court case status.
  - **Post-Sentence SB 123**
    - Once the offender is sentenced under SB 123 legislation, officers should choose this option.
    - OFFICERS SHOULD NOT CREATE A NEW COURT CASE ONCE AN OFFENDER HAS BEEN SENTENCED, IF ONE HAS ALREADY BEEN CREATED AT THE PRE-SENTENCE STAGE. Instead, officers should open the existing SB 123 court case and place the document in edit mode, then change the sentence type to Post-Sentence SB 123.
    - Once this option is chosen, the officer should complete the sentencing information, including updating the sentencing date, if sentencing occurred on a different date than the one documented.

        - Officers should add the offense information at this time, including any departure information or special rules contained on the journal entry. If the officer does not have the journal entry at the time this information is created, then once the journal entry is received, the officer shall make any necessary updates to the information at that time. SENTENCING INFORMATION MUST BE ACCURATE.
        - When choosing the probation duration, officers shall choose the **"Mandatory Treatment up to 18 months"**, instead of the option of "18" when the offender is sentenced under SB 123.
    - **Non SB 123**
        - Officers should choose this option when the offender is not sentenced as a SB 123 offender.
        - There are times when an offender is convicted of an offense that might be the same as a SB 123 offense, however, due to other factors, such as criminal history, the offender is not eligible for SB 123 sentencing. The judge still may sentence the offender to community corrections; however, it is not under a SB 123 sentence (see K.S.A. 21-4729). In that event, the officer would choose this option.
- **Case Status**
    - Case status must be open while an offender is undergoing pre-sentence assessment and/or supervision in Community Corrections.
    - Close the case when the offender finishes his/her sentence and enter the applicable termination reason.
    - In the event an offender is referred to community corrections for completion of substance abuse evaluations and LSI-R© assessment, but then the court does not actually sentence the offender to Community Corrections under SB 123, then the case shall be marked closed, and the termination reason will be "Not sentenced to Community Corrections." There should be a corresponding contact note explaining what happened in court. Officers shall make sure all applicable interventions are also entered and closed out, and then the officer should enter a status of "discharged."
- **Criminal History**
    - This is the only location that criminal history is stored and officers should make sure to enter this information once the offender has been sentenced to community corrections.
- **Offense Description**
    - Once the offender is sentenced, officers should open the existing court case marked Pre-Sentence SB 123. The officer should put the document in edit mode and mark Post-Sentence SB 123. Once that is done, the rest of the court case information fields open and the officer can enter the offense descriptions at that time.

Interventions

- Identifies the treatment modality and provider, referral date, entry date, termination/outcome date (for this intervention), and termination/outcome reason (also for this intervention).
    - Officers shall ensure that the intervention is created in a timely manner.
    - Officers who are completing an "Assessment" intervention should use the date the offender actually goes for the assessment in the "date entered" field, as well as in the "termination/outcome date" field.
    - The "Date entered" field refers to the date on which the offender actually began treatment or received an assessment.
    - The "Date entered" and the "termination/outcome date" are used by the Sentencing Commission to validate invoice submissions for payment. If these dates are not entered or are incorrect, the Sentencing Commission will reject the invoice until such time as the correct data is entered in TOADS.
    - You must enter a provider for all interventions except support groups.

- You will NOT enter a provider for AA/NA support groups. You will just create the intervention. Ensure that a referral date, date entered, and then termination date and reason when the offender is done are also created.

- Once the intervention is completed the officer enters a termination/outcome date and termination/outcome reason.
  - For Assessments, termination/outcome reasons are as follow:
    - Administrative: used when offender is scheduled for an assessment but is unable to attend due to circumstances beyond under the offender's direct control (examples include, but are not limited to the following types of circumstances, provider shut down/looses SB 123 certification, offender moves to another area and is going to complete the assessment with another provider, provider themselves is unable to complete the assessment for some reason).
    - Death: offender dies after referral but prior to completion of assessment.
    - Intentional non-compliance: offender refuses to show up for assessment, offender refuses to cooperate with the assessment process, offender absconds after referral and before assessment completion. ISO and Treatment provider are to jointly determine this termination/outcome reason (per statute) when the offender has at least been seen by the assessment provider.
    - Medical: medical condition prevents the offender from assessment completion
    - Successful Assessment Completion: used when offender participates in assessment process as directed.
  - For all other SB 123 Substance Abuse Treatment Intervention Modalities, termination/outcome reasons are as follow:
    - Administrative: used when offender is scheduled for an intervention or has been participating in that intervention but is unable to complete it – and none of the other intervention termination/outcome reasons fit (examples include, but are not limited to, the following types of circumstances, provider shut down/looses SB 123 certification, offender moves to another area and is going to complete the modality with another provider, offender is staying in the same intervention modality but is changing providers for some reason, provider themselves is unable to complete the treatment modality for some reason).
    - Change Modality – Less Intensive: offender moves from one level of SB 123 substance abuse treatment intervention to another, lesser level of treatment as part of his/her overall treatment experience within this sentence.
    - Change Modality – More Intensive: offender moves from one level of SB 123 substance abuse treatment intervention to another, more intense level of treatment as part of his/her overall treatment experience within this sentence.
    - Death: offender dies after referral to or entry into treatment modality but prior to completion of that intervention.
    - Intentional non-compliance: used when the offender's direct and voluntary behavior impedes entry into or completion of the modality. Examples include, but are not limited to, offender refuses to show up for intervention, offender refuses to cooperate with or engage in the treatment process within the modality, offender absconds after referral and before modality completion, offender absconds during treatment modality. ISO and Treatment provider are to jointly determine this termination/outcome reason (per statute) when the offender has at least been seen by the treatment provider.
    - Medical: medical condition prevents the offender from modality completion despite entry into such modality.

- Successful Completion of SB 123 Treatment: used when offender has completed all phases of the treatment under his/her SB 123 sentence. Typically, this termination will be used only at the end of Relapse Prevention/Continuing Care (or Drug Abuse Education if the offender was assessed as not having a need for further treatment and, thus, would not engage in Relapse Prevention/Continuing Care).

Urinalysis information

- Dates of UA's, types of drugs tested, and results of tests are stored in this area.

LSI-R© (Assessment database)

- Initial and all reassessments, as well as discharge LSI-R©.
- Notes justifying how you scored the question must be entered in TOADS as you complete this instrument.

Status

- Status types, and corresponding beginning and ending dates.

Officer Assignment

- Identify the agency of supervision and the officer assigned to the case.

Discharging Offenders

The intent of this legislation is to provide offenders with the needed level of treatment, coupled with the appropriate level of supervision. The offender cannot be in SB 123 treatment for a duration longer than the statute allows – i.e., up to 18 months. The offender is eligible for discharge upon successful completion of treatment (including continuing care), and upon completion of court ordered requirements. It is not the intent of the legislation that all offenders should remain under supervision for the full 18 months. As an example, an offender who has been sentenced under this legislation may be assessed as needing only drug abuse education – i.e., this offender is not substance addicted. If the offender successfully completes the drug abuse education, and fulfills his court obligations, the offender, with the concurrence of both the treatment provider and the supervising agency may be submitted to the court for discharge from sentence.

If the offender is unsuccessfully discharged or voluntarily quits the mandatory drug abuse treatment, the offender will be subject to the entire underlying prison sentence, with no credit for time served in the mandatory drug abuse treatment. The criteria that would define an offender's failure and shall result in the dismissal from a mandatory treatment program are:

- Conviction of a new felony offense; or
- A judicial finding that the offender has a pattern of intentional conduct that demonstrates the offender's refusal to comply with or participate in the terms of the mandatory substance abuse treatment and supervision. K.S.A. 21-4729(f).

However, K.S.A. 21-4610 grants the district court broad discretion concerning the conditions and revocation of probation. Therefore, condition violations may also result in discharge from the mandatory drug abuse treatment. See *State v. Gumfory*, 281 Kan. 1168, (June 9, 2006) (holding that K.S.A. 21-4729(f)(1)(A) and (B) do not set forth exclusive grounds for revocation of an SB 123 sentence.)

In addition, SB 123 offenders who subsequently violate a condition of the drug and alcohol abuse treatment program shall be subject to an additional nonprison sanction for any such subsequent violation. Such nonprison sanctions shall include, but not be limited to, up to 60 days in a county jail, fines, community service, intensified treatment, house arrest, electronic monitoring. K.S.A. 2007 Supp. 22-3716(f).

Presentence Phase Discharges

In the presentence phase, the court case can be closed for one of two reasons:

1) The offender was not sentenced to community corrections by the judge; or
2) The offender absconded while in the presentence phase.

In either event, the court case should be marked as closed and the termination date should be either the date a different sentence was imposed (e.g., sentenced to prison or to court services) or the date a warrant was issued as a result of the offender absconding while in the presentence phase. The termination reason, in either case, should be "not sentenced to community corrections." Status for the offender who is no longer under any type of community corrections supervision (has no other open community corrections case), should be "discharged." Otherwise, the appropriate status should be created.

Post-sentence Phase Discharges

In the post-sentence phase, the court case may be closed for the same reason(s) as any other court case closes while under the jurisdiction of community corrections. SB 123 offenders are treated no differently than any other community corrections offender at this point. After the court case is closed out, the officer should create the appropriate status as applicable.

SB 123 Sentence Term

The provisions of K.S.A. 21-4729 allow an offender to be sentenced to the 2003-SB 123 program for up to 18 months. While the probation portion may, at the discretion of the Court, be extended beyond those 18 months through a sentence modification, treatment funding, as paid by the Kansas Sentencing Commission from state funds, cannot extend beyond 18 months from the date the offender first becomes available for treatment.

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CHAPTER V: TREATMENT PROVIDERS

Introduction

2003 Senate Bill 123 (K.S.A. 21-4729) provides for community supervision (in lieu of incarceration) and mandatory substance abuse treatment for a defined target population of non-violent adult drug offenders who have been convicted of a drug offense under K.S.A. 2011 Supp. 21-5706 or a 65-4162. The substance abuse treatment for the eligible offenders shall include a continuum of treatment options including detoxification, in-patient and out-patient treatment services, continuing care/relapse prevention and substance abuse education services. The substance abuse treatment may include community-based or faith-based programs. This legislation applied to offenses committed on or after July 1, 2003 and which were sentenced on or after November 1, 2003.

Goal of the Alternative Drug Policy

The goal of the mandatory substance abuse treatment is to provide community intervention and the opportunity for treatment to certain offenders with substance abuse problems in order to address more effectively the revolving door of drug addicts through the state prisons, which should be reserved for serious, violent offenders.

Team Meetings

- The purpose of the first team meeting is to bring the treatment provider and the supervision agency/officer together to discuss the level of treatment needed. The treatment provider and the officer should discuss the information gained during the interviews and assessment and mutually decide on the appropriate course of treatment and supervision. The first team meeting:
    - should occur within 30 days of assignment to community corrections and prior to sentencing if the local jurisdiction specifies assessment prior to sentencing.
    - should occur within 30 days of sentencing if the jurisdiction requires assessment after sentencing.
    - shall include supervision and assessment/ treatment staff, and may also include mental health staff, offender, offender family or other individuals instrumental to the effective treatment and supervision of the offender. The agenda of the initial team meeting shall include a review of all instruments and a determination of treatment level based upon American Society of Addiction Medicine (ASAM) criteria and SB 123 drug abuse assessment package (DAAP) results.

- Community corrections agencies and treatment providers shall participate in team meetings on a routine basis to discuss the offender's progress regarding supervision and treatment, and to discuss additional services or interventions that the offender might need. These team meetings shall occur *a minimum* of once per month.
- A team meeting shall occur any time there is a change in the supervision or treatment status of the offender.
- A team meeting is required prior to an offender's discharge from a treatment modality or upon changing treatment providers.
- Responsibility for initiating the team meeting and the resulting documentation shall be determined by the supervising officer and the treatment provider, based upon needs or special factors in each case, or upon agreement within each jurisdiction.

Target Population

The target population for placement in the mandatory drug abuse treatment is defined as follows:

- Current offense of conviction is for drug possession only, does not include manufacturing, drug trafficking or drug possession with intent to sell offenses;
- Criminal history classifications of I to E, (no prior person felony convictions); or offenders with prior conviction for person felonies on non-drug severity level 8, 9, and 10 or nongrid will be eligible upon the finding of the sentencing court that the offender does not pose a significant threat to public safety; and
    - Current departure procedures will be applicable for those offenders with non-drug severity level 8, 9 and 10 or nongrid person felony convictions
- No prior convictions for drug trafficking, drug manufacturing, drug sale or drug possession with the intent to sell;
- Offenders with prior convictions for drug possession will be eligible;
- Given the supervision and treatment structure underlying SB 123 implementation and policies, the 2006 legislature amended K.S.A. 21-4729 to provide that the following offenders are no longer eligible for a SB 123 sentence and shall be sentenced as otherwise provided by law;
    - Offenders who are out-of-state residents <u>and</u> who are returning to such state pursuant to interstate compact, or
    - Offenders who are not legally in the U.S. <u>and</u> being detained for deportation.

Sentencing Policy

Mandatory substance abuse treatment in lieu of incarceration (2003 - Senate Bill 123) resulted in several changes in sentencing practices for offenders convicted of drug possession. These policies focus on various levels of treatment options, establishment of certain and immediate sanctions for continued drug usage, and a comprehensive continuum of sanctions that include offender accountability, while safeguarding public safety. Since this is a post-conviction sentencing policy, all offenders sentenced under SB 123 have a felony conviction. There is no provision for retroactivity in this legislation. Existing sentences are not converted. Only those offenders who are sentenced on or after November 1, 2003 and who meet the criteria for the target population, are eligible for treatment under this legislation.

- All drug possession convictions are now on severity level 4 of the drug grid instead of the prior practice that enhanced the severity level to severity level 1 and 2 for a second, or a third or subsequent possession conviction.
- The border boxes on severity level 4 of the drug grid were replaced with presumptive non-prison boxes.
- Upon a third or subsequent conviction for a drug possession charge, if the offender has either completed at least one prior 18 month mandatory drug abuse treatment, has been discharged from such treatment or has refused to participate in such treatment, the offender's sentence will be to a presumptive prison term as provided by the drug grid.
- Offenders sentenced under this policy are sentenced to mandatory drug abuse treatment and community corrections supervision for a period of up to 18 months from the first scheduled treatment date.
- Possession of marijuana – A first conviction for this offense is classified as a misdemeanor and the second or subsequent convictions are classified as felony offenses. The misdemeanor classification remains in effect for the first conviction but all subsequent simple possession of marijuana convictions are drug severity level 4 felony offenses.
- Upon successful completion of the mandatory drug abuse treatment and supervision, the offender is eligible for discharge and not subject to a period of post-release supervision.
- Senate Bill 123 was effective upon its publication in the statute book, with a delayed implementation of the proposed sentencing policy changes on or after November 1, 2003.

Offender Accountability

If the offender is discharged unsuccessfully or displays a pattern of intentional conduct that demonstrates the offender's refusal to comply with or participate in the terms of the mandatory substance abuse treatment and supervision, the offender will be subject to the entire underlying prison sentence, with no credit for time served in the mandatory substance abuse treatment program.

The criteria that would define an offender's failure and shall result in the dismissal from a mandatory treatment program are:

- Conviction of a new felony offense; or
- A judicial finding that the offender has a pattern of intentional conduct that demonstrates the offender's refusal to comply with or participate in the terms of the mandatory substance abuse treatment and supervision. K.S.A. 21-4729(f).

However, K.S.A. 21-4610 grants the district court broad discretion concerning the conditions and revocation of probation. Therefore, condition violations may also result in discharge from the mandatory drug abuse treatment. See *State v. Gumfory*, 281 Kan. 1168, (June 9, 2006) (holding that K.S.A. 21-4729(f)(1)(A) and (B) do not set forth exclusive grounds for revocation of an SB 123 sentence.)

In addition, SB 123 offenders who subsequently violate a condition of the drug and alcohol abuse treatment program shall be subject to an additional nonprison sanction for any such subsequent violation. Such nonprison sanctions shall include, but not be limited to, up to 60 days in a county jail, fines, community service, intensified treatment, house arrest, electronic monitoring. K.S.A. 2007 Supp. 22-3716(f).

Treatment

Drug abuse treatment is mandatory for all offenders sentenced under Senate Bill 123. All treatment will include cognitive-behavioral tools, fully integrated into existing treatment offered by treatment providers. Three treatment modalities, however, provide exception to this rule; these are (1) assessments, (2) social detox services, and (3) drug abuse education. All remaining treatment modality must integrate the cognitive-behavioral tools.

Authorized Treatment Providers, Agencies and Individual Counselors

To be considered for approval status Assessing Agencies must: {Treatment agencies and or RADACs may opt to conduct assessments for Senate Bill 123 clients but not be obligated to offer treatment}

- Be licensed by Social Rehabilitation Services (SRS) - Addiction and Prevention Services (AAPS).
  - Newly established agencies in a "provisional" status seeking approval under Senate Bill 123, shall be reviewed on an individual basis by the Kansas Department of Corrections. Licensed agencies that are placed in "provisional" status by AAPS due to compliance related concerns will be allowed to continue treatment of current Senate Bill 123 clients but will not be allowed to treat new clients until the Kansas Department of Corrections receives notification from the provider in question indicating that their "provisional" status is upgraded to full licensure by AAPS.
- Ensure that a counselor trained in the administration of the Substance Abuse Subtle Screening Inventory III (SASSI-III) is the individual administering that instrument.
  - See Chapter VIII for SB 123 Staff Change Notification Form.
    - This form must be completed for all SASSI III-trained counselors at each physically distinct treatment location.
    - This form shall be submitted any time a SASSI III-trained identified counselor leaves the identified agency or moves between physical locations within a treatment agency.
    - This form shall be submitted any time a new SASSI III-trained counselor becomes employed with a specific treatment agency.

- Ensure that a counselor trained in the administration of the Addiction Severity Index (ASI) is the individual administering that instrument.
    - See Chapter VIII for SB 123 Staff Change Notification Form.
        - This form must be completed for all ASI-trained counselors at each physically distinct treatment location.
        - This form shall be submitted any time an ASI-trained identified counselor leaves the identified agency or moves between physical locations within a treatment agency.
        - This form shall be submitted any time a new ASI-trained counselor becomes employed with a specific treatment agency.
- Enter into "Qualified Service Organization Agreements (QSOA)" with the Kansas Sentencing Commission (example in Chapter VIII).
- Enter into a "Provider Agreement with Community Corrections Agency" (see Chapter VIII) with the community corrections agencies with whom assessment services are negotiated.

NOTE: Agencies performing assessment services only do NOT need to have someone certified in the *Cognitive-behavioral tools* but must be licensed by SRS/AAPS.

Agencies not in compliance with the above stated requirements will not be considered for approval status and cannot receive payment for services via the Kansas Sentencing Commission under the provisions of SB 123.

Agencies with Approval status, failing to meet the above stated requirements will be considered non-compliant. The Kansas Department of Corrections as the Certification Agent, may remove non-compliant agencies from the Approved Provider Listing. Therefore, the agency will not be eligible for additional referrals of SB 123 clients.

To be considered for approval status Treatment Agencies must:

- Be licensed by Social Rehabilitation Services (SRS) - Addiction and Prevention Services (AAPS).
    - Newly established agencies in a "provisional" status seeking approval under Senate Bill 123 shall be reviewed on an individual basis by the Kansas Department of Corrections. Licensed agencies that are approved to provide services under Senate Bill 123 placed in "provisional" status by AAPS due to compliance related concerns will be allowed to continue treatment of current Senate Bill 123 clients but will not be allowed to treat new clients until the Kansas Department of Corrections receives notification from the provider in question indicating that their "provisional" status is upgraded to full licensure by AAPS.
- Staff SB 123 treatment services with a counselor that is certified in the Cognitive-behavioral tools, via the "Thinking for a Change" Facilitator Training conducted by the Kansas Department of Corrections, to treat Senate Bill 123 clients. This counselor must be the primary SB 123 treatment counselor.
    - See Chapter VIII for SB 123 Staffing Change Notification Form.
        - This form must be completed for all cognitive-behavioral tools-certified counselors at each physically distinct treatment location.
        - This form shall be submitted any time a cognitive-behavioral tools-certified identified counselor leaves the identified agency or moves between physical locations within a treatment agency.
        - This form shall be submitted any time a new cognitive-behavioral tools-certified counselor becomes employed with a specific treatment agency.
- Ensure that a counselor trained in the administration of the Addiction Severity Index (ASI) is the individual administering that instrument.
    - See Chapter VIII for SB 123 Staffing Change Notification Form.
        - This form must be completed for all ASI-trained counselors at each physically distinct treatment location.
        - This form shall be submitted any time an ASI-trained identified counselor leaves the identified agency or moves between physical locations within a treatment agency.

    - This form shall be submitted any time a new ASI-trained counselor becomes employed with a specific treatment agency.
- Obtain and maintain a Kansas Department of Corrections approved Senate Bill 123 Integration Plan (see Chapter IX).
- Enter into a "Provider Agreement with Community Corrections Agency" (see Chapter VIII) with the community corrections agencies with whom treatment services are negotiated.
- Enter into "Qualified Service Organization Agreements (QSOA)" with the Kansas Sentencing Commission.
- Complete and enter into the "SB 123 Treatment Provider Agreement – Insurance, Billing, Receipts and Payment for Services for Treatment and Assessment" (see Chapter VIII) with the Kansas Sentencing Commission.

NOTE: Agencies performing social detox services only do NOT need to have someone certified in the *Cognitive-behavioral tools* but must be licensed by SRS/AAPS.

Agencies performing drug abuse education only do NOT need to have someone certified in the *Cognitive-behavioral tools* but must be licensed by SRS/AAPS.

Agencies not in compliance with the above stated requirements will not be considered for approval status and cannot receive payment for services via the Kansas Sentencing Commission under the provisions of SB 123.

Agencies with Approval status, failing to meet the above stated requirements will be considered non-compliant. The Kansas Department of Corrections as the Certification Agent, may remove non-compliant agencies from the Approved Provider Listing. Therefore, the agency will not be eligible for additional referrals of SB 123 clients.

Agencies not in compliance with the above stated requirements will not be considered for approval status and cannot receive payment for services via the Kansas Sentencing Commission under the provisions of SB 123.

To be considered for certification Counselors must:

- Be certified by Social Rehabilitation Services (SRS) - Addiction and Prevention Services (AAPS).
- Not be a counselor in training (CIT).
- Be certified in the Cognitive-behavioral tools, via the "Thinking for a Change" Facilitator Training provided by the Kansas Department of Corrections.

Counselors not in compliance with the above stated requirements will not be considered for certification by KDOC.

Note that Counselors must be identified with their agency via the SB 123 Staffing Change Notification Form (see Chapter VIII).

The Kansas Department of Corrections will maintain a listing of:

- Agencies eligible to treat Senate Bill 123 clients as well as the modalities for which they are approved to deliver such services.
- Individual counselors certified to treat Senate Bill 123 clients.
- Individual counselors trained to administer the Substance Abuse Subtle Screening Inventory III (SASSI-III).
- Individual counselors trained to administer the Addiction Severity Index (ASI).

Treatment Programming Approach

We expect treatment agencies to provide substance abuse treatment that is appropriate for the offender based on the offender's SB 123 assessment. It is important that assessments recommend, and offenders receive, treatment at the same level that matches his or her needs. When an offender needs a treatment modality not offered by the assessing or current treatment agency, contact with the community corrections officer is essential. The community corrections officer will be responsible for securing treatment that matches the client's identified need from an agency that's SB 123 certified to deliver that modality.

It is preferred that the primary counselor for all Senate Bill 123 clients be the Kansas Department of Corrections certified counselor. However, at a minimum:

- Regardless of the cognitive-behavioral treatment programming the agency chooses to use, the counselor delivering the cognitive-behavioral treatment programming ***must*** be a counselor who completed the Cognitive-behavioral certification training, via the "Thinking for a Change" Facilitator Training, conducted by the Kansas Department of Corrections.
- The counselor administering the SASSI-III ***must*** be the counselor certified to administer that instrument.
- The counselor administering the ASI ***must*** be the counselor certified to administer that instrument.

Integration of the Cognitive-Behavioral Tools

Significant research indicates that Cognitive-behavioral treatment programs are more effective for offender populations than programs without the Cognitive-behavioral treatment approach. SB 123 treatment agencies must integrate cognitive-behavioral tools within their current treatment programming (please refer to the Checklist for the Integration of Cognitive-Behavioral Tools, Chapter IX). Further, the cognitive-behavioral treatment programming must make use of specific tools such as Thinking Reports (a cognitive-restructuring tool used to identify thoughts, feelings, attitudes/beliefs and their relationship to behavior) and Structured Learning Theory (a methodological process for skill training specific to interpersonal skills relating to substance abuse).

The Kansas Department of Corrections will certify counselors in the cognitive-behavioral approach to treat offenders via the "*Thinking for a Change"* Facilitator Training. The "*Thinking for a Change"* Facilitator Training is a general Cognitive-behavioral program which integrates the basic Cognitive-behavioral components and tools. Therefore, the training is useful in teaching and demonstrating the elements to be integrated into treatment as per Senate Bill 123. Agencies must detail the integration, Cognitive-behavioral tools, and components within their treatment plans/protocols in the Senate Bill 123 Integration Plan (see Chapter IX) submitted to the Kansas Department of Corrections for approval to receive SB 123 clients.

Senate Bill 123 Site-Visits

Site-visits are required for all agencies approved by the Kansas Department of Corrections to provide services under this legislation. The type of visit is determined by Staff Skill Development Team prior to the Site-visit occurring. The three site visit categories are as follows;

Technical Assistance: Type of visit in which the Kansas Department of Corrections assigns a representative to review the program(s) and offer technical assistance in an effort to further the level of quality of services being delivered to KDOC clients. *Rating not given.*

Integration Review: Type of visit performed at regular intervals determined by the Kansas Department of Corrections in conjunction with the Kansas Sentencing Commissions reporting periods (18, 36 and 60 months). The Kansas Department of Corrections assigns a representative to review the program(s) to determine compliance with Senate Bill 123. *A "MEETS EXPECTATIONS/DOES NOT MEET EXPECTATIONS" rating will be issued at this time.*

Post-Integration Review: Type of visit performed when the Annual Visit yielded a *DOES NOT MEET EXPECTATIONS rating*. The Kansas Department of Corrections assigns a representative to review the program(s) after a period agreed upon by both parties. The visitor will assess the efforts to meet compliance standards. *A "MEETS EXPECTATIONS/DOES NOT MEET EXPECTATIONS" rating will be issued at this time.*

The primary purpose of the site-visit is to assess the providers' ability to successfully integrate the components identified within the CHECKLIST FOR INTEGRATION OF THE COGNITIVE-BEHAVIORAL TOOLS (see CHAPTER X).

Site-visits last one day and include, but are not limited to;

- Review of documentation supporting the integration of the Cognitive-Behavioral Tools,
- Review of required client documentation specific to Senate Bill 123,
- Review of required agency documentation specific to Senate Bill 123,
- Group observation,
- Client Interviews, and
- Staff Interviews.

Specific information regarding site-visit expectations may be attained by reviewing the Pre-Visit Packet, issued prior to any scheduled visit (CHAPTER IX).

Offender Referrals

Assessments

Initial referrals for the SB 123 drug abuse assessment package (SB 123 DAAP) shall be made by Community Corrections staff. Community Corrections agencies will have pre-arranged agreements (documented via the "Provider Agreement with Community Corrections Agency"– see Chapter VIII) regarding SB 123 with those assessment agencies approved to provide assessment services by the Kansas Department of Corrections. Community Corrections may refer only to those agencies SB 123 certified for this modality as listed on the Kansas Department of Corrections' SB 123 Approved Provider listing, maintained via the Total Offender Activity Documentation System (TOADS).

The outcome of an assessment shall be a placement recommendation that matches the client's clinical, cognitive and potential mental health needs. Assessments of need and placement recommendations for treatment specific to the offender's actual treatment needs must be based on the gathered information and on the principles of treatment contained in the American Society of Addiction Medicine (ASAM) criteria.

Upon initial referral, agencies will complete a SB 123 drug abuse assessment package (SB 123 DAAP). The SB 123 DAAP will consist of the Substance Abuse Subtle Screening Inventory III (*SASSI III*), The Psychiatric Status portion of the ASI, a clinical interview to determine social history and the SB 123 Assessment Summary form.

The SASSI III portion of the SB 123 DAAP may only be administered by professionals who are trained to conduct the SASSI III and who have provided a copy of their training certificate to the Kansas Department of Corrections. More information regarding the SASSI III may be found at http://www.sassi.com/sassi/index.shtml.

Agencies who do not provide treatment services but who wish to conduct assessments are eligible to do so as long as the counselor conducting the SASSI III has been trained and has provided a copy of the training certificate to the Kansas Department of Corrections.

The Psychiatric Status portion of the Addiction Severity Index (ASI) will be administered to screen the offender for potential mental health concerns. The Psychiatric Status portion of the ASI must be conducted by a counselor certified in use of the ASI. If the mental health screen indicates an immediate need for mental health assessment to determine if dual-diagnosis exists, the assessing agency will refer the offender for mental health assessment and notify Community Corrections. If the mental health screen does not indicate an obvious or immediate need for referral the screen results will be discussed at the team meeting to decide if a referral is required at that time.

An initial team meeting will be held no later than 30 days from sentencing. The team meeting consists of at a minimum, the assessor and the assigned Community Corrections officer. At this meeting the results of the SASSI III, the Psychiatric Status portion of the ASI, and the clinical evaluation of social history will be reviewed by the team. The purpose of the team meeting is to share assessed information, to determine if a mental health referral is appropriate and to prescribe/agree to a treatment or education recommendation. The treatment or education recommendation will be recorded using the SB 123 Assessment Summary form (see Chapter VIII). The form will be signed by the assessor, the Community Corrections officer and the mental health professional (if one is involved). These individuals form the team through which the (initial) treatment recommendations are made.

A copy of the SB 123 Assessment Summary form (see Chapter VIII) will be kept on file with the provider; one copy will be provided to the Community Corrections officer and one copy will be sent by the assessing agency to the Kansas Sentencing Commission. Note that supporting documentation is also required to be included along with the Assessment Summary form when it's distributed for maintenance in the offender file with Community Corrections and in the client's treatment file. Supporting documentation is required to be sent to the Sentencing Commission as of January 1, 2006. When submitting the SB 123 Assessment Summary form to the Kansas Sentencing Commission, it must be attached to the invoice that bills for the Assessment service. Only one assessment can be paid for a court case.

Treatment recommendations may include any modalities contained in the Treatment Modalities and Cost Caps found in Chapter 6, pages 6-7 of this manual. Agencies will be paid for assessments based on negotiated pricing with Community Corrections agencies, and within the cost caps as defined in the Treatment Modalities and Cost Caps table.

Treatment

Treatment referrals will be based on the offender's assessed needs and will be made by Community Corrections to agencies approved to treat Senate Bill 123 clients, per the SB 123 Approved Provider listing. Referrals for treatment will include the information contained from the assessment and the agency accepting the referral will be required to enter an individual Client Placement Agreement with Community Corrections (see Chapter VIII) for each client. Any approved SB 123 provider, upon referral of a SB 123 offender, is authorized to have access to the completed SB 123 Assessment Summary Form *and all supporting documentation.* This access is to be facilitated by the supervising Community Corrections officer.

The range of various treatment modalities approved under SB 123 are identified in the Approved Treatment Modalities and Cost Cap table. The Kansas Sentencing Commission will only pay for those modalities for which the Kansas Department of Corrections has approved the individual provider. Community Corrections is urged to consult routinely the listing of approved providers, along with the modalities for which they are approved, as documented in TOADS.

> *Drug Abuse Education*. Some offenders will be assessed as not needing treatment but instead need substance abuse education. The Senate Bill 123 drug and alcohol educational intervention is intended to provide a minimum of eight hours of alcohol and drug abuse education to those clients who, following assessment, are determined to be at low risk for the development of addictive disease. This intervention can be delivered in a similar format as the current Alcohol and Drug Information School currently offered to DUI offenders. At a minimum, the following information should be presented during the course of this program.

Basic overview of expectations and requirements associated with being a Senate Bill 123 offender to include treatment and supervision guidelines. Psychological and physiological effects of alcohol and drug abuse to include:

- An overview of the effects of alcohol and specific drugs on the human body and brain. Life consequences related to alcohol and drug abuse e.g., impaired judgment leading to high-risk behavior, loss of employment.
- Medical consequences of alcohol and drug use e.g., HIV/AIDS, STD's, Fetal Alcohol Syndrome, Alcoholism/Addiction as a progressive illness, signs and symptoms of addiction and abuse, description of early to late stages of addiction.
- Effects of concurrent alcohol and drug use, e.g. an overview of over-the-counter drugs and alcohol use, illicit drugs and alcohol use.
- Development of a personal plan to avoid future problems with alcohol and drugs e.g. review of self-help options, treatment and counseling options.
- Pre-tests and post-tests will be conducted to measure the offender's learning of the materials. Completed tests will be provided to the community corrections officer and a copy to the Kansas Sentencing Commission.
    - "Drug Abuse Education Testing" instrument (see Chapter VII) shall be used verbatim.
    - Answers to this test may be obtained by emailing a request to SB123@kdoc.dc.state.ks.us. Requests will be honored only for verified treatment providers certified to deliver SB 123 Drug Abuse Education.
- The scored pre and post test shall be submitted to the Kansas Sentencing Commission upon completion.
- The scored pre and post test shall also be submitted to Community Corrections upon completion of the program.

Community Corrections may refer offenders to any licensed agency who offers Drug Abuse Education. The Senate Bill 123 educational program is self-pay by the offender. Agencies experiencing difficulty in collecting fees from offenders should consult the supervising community corrections officer who will assist in that effort. Generally offenders will not be terminated from supervision until such fees are paid so long as the supervision period has not exceeded 18 months. The fee charged may not exceed the amount listed in the Treatment Modalities and Cost Caps table.

Client Placement Agreements

After completion of assessments, Community Corrections will enter into a Client Placement Agreement (see Chapter VIII) with a Kansas Department of Corrections Approved SB 123 treatment agency. The agreement will depict the treatment modality recommended by the Assessing Agency and the Community Corrections Agency.

Addiction Severity Index (ASI) 5th Edition

Treatment providers will administer the 1st (Initial) full ASI no later than 30 days from beginning of the treatment plan. An ASI will not be administered as the offender moves from one modality to another.

The 2nd (Discharge) ASI will be administered by the discharging agency after a team meeting verifying completion of the treatment plan or upon any other discharge from SB 123. The subsequent ASI will only include those items underlined. When the treatment is unsuccessful, the provider will note such on the first page of the ASI.

The 3rd (Outcome or 6-mon. Follow-up) ASI will be conducted six months after discharge from treatment. This 6 mon. Follow-up ASI will only include those items underlined. Community corrections officers will assist where and as possible in locating offenders for the purpose of conducting the outcome ASI. However, the responsibility for conducting this ASI rests with the final discharge treatment agency. The treatment provider should send the invoice and the third ASI directly to the Kansas Sentencing Commission.

Since the 1st and 2nd ASI will be administered at the beginning and end of treatment, the service should be billed as part of the hourly or daily fee for the modality in which the offender is engaged at the time the ASI is conducted. Agencies conducting the 3rd ASI will be reimbursed $100 for each one completed.

The ASI may only be conducted by licensed counselors certified to administer the ASI by the Kansas Department of Corrections. For more information on obtaining certification to administer the ASI please visit the Kansas Association of Addiction Professionals (KAAP) on the web at **http://www.ksaap.org/**

The paper copy of the completed ASI will be mailed to the Kansas Sentencing Commission. An additional paper copy shall be sent to the supervising Community Corrections officer for inclusion in the offender's file.

Information concerning the ASI 5th Edition may be found at http://www.tresearch.org/.

Senate Bill 123 Integration Plan

To be eligible to treat Senate Bill 123 clients, agencies must submit a Senate Bill 123 Integration Plan and that plan must be approved by the Kansas Department of Corrections. (See Chapter IX) These plans will be easier to develop after counselors have been to the Cognitive-behavioral certification training *"Thinking for a Change"* Facilitator Training. The Integration plan must include at least the following:

- Identify the treatment modalities requesting approval for Senate Bill 123 treatment, including length and intensity of each. *Note that neither detoxification nor assessments require a Cognitive-behavioral approach.*
- When and with whom (if other than Senate Bill 123 referred clients) the agency will be providing the integrated treatment, for each modality requested.
- Discuss how the agency intends to ensure that a Cognitive-behavioral approach to treatment is addressed in each client's treatment plan.
- A detailed plan on how the agency intends to integrate Cognitive-behavioral tools into treatment for Senate Bill 123 clients.

Once approved by the Kansas Department of Corrections any changes to the integration plan must be staffed with a representative of the Programs Division of the Kansas Department of Corrections prior to changes being implemented.

Urinalysis Testing

Urinalysis testing as part of treatment is not required but may be used if providers want to do so. Providers will not be reimbursed specifically for urinalysis testing. Community Corrections staff will be conducting frequent and random urinalysis testing and will share the results with providers upon the provider's request.

Payment for Services Provided

A funding source from State General Funds (SGF) has been identified specifically for Senate Bill 123 clients. Chapter VI provides detailed information regarding the State Purchase-of-Service Payment Process to include approved treatment modalities and the corresponding cap for payment of each.

Providers are paid for services provided to drug possession offenders sentenced under SB 123 for up to 18 months from the scheduled treatment start date. The rate paid is based on an agreement reached with their community corrections agency and documented via the Provider Agreement with Community Corrections Agency form found in Chapter VIII. Note that the provider may only bill for modalities for which they have been SB 123 certified to deliver treatment by KDOC.

Providers are not required to determine offender's ability to pay. The Kansas Sentencing Commission will pay providers the full amount for services based on the agreement mentioned above so long as the contractual agreements and requirements are standing in good terms (e.g., the SB 123 Treatment Provider Agreement – Insurance, Billing, Receipts and Payment for Services for Treatment and Assessment, the SB 123 Assessment Summary form is complete and submitted appropriately, the ASIs are conducted, completed, and submitted to the Sentencing Commission). While the statute assigns responsibility to the Court to "…determine the extent, if any, that such person is able to pay for such assessment and treatment…" (K.S.A. 2007 Supp. 75-52,144(d)), the Court retains the discretion to delegate that duty to community corrections staff. In such cases, it becomes the community corrections staff responsibility to determine each client's ability to pay and collect any co-pay required.

Providers are required to bill any applicable insurance the client may have and return any monies obtained from insurance to the Sentencing Commission (see Chapter VIII for the SB 123 Treatment Provider Agreement Insurance, Billing, Receipts and Payment for Services for Treatment and Assessment"). Insurance pending must be documented on the monthly Invoice for Purchase of Service and insurance funds received must be documented and submitted to the Sentencing Commission monthly along with the SB 123 Insurance Payment Remittance form. Even in the event no insurance funds are received during a particular month the monthly Insurance Reporting form must be completed and forwarded to the Sentencing Commission.

To Maintain Certification

Providers must adhere to each of the following …

- Remain in compliance with SRS licensing standards and retain a current SRS license.
- Adhere to the Integration Plan/Addendum that received KDOC approval with regard to programming.
- Notify KDOC Staff Skill Development of any proposed changes or modifications to the Integration Plan/Addendum for KDOC approval prior to implementing such changes or modifications.
- Respond in a timely and professional manner to communications and requests for information and documentation from Community Corrections, Kansas Department of Corrections, or Kansas Sentencing Commission.
- Comply with and fully participate in required Site Visits by KDOC staff.
- Retain on staff one or more SB 123 certified counselors (i.e., certified in the Cognitive-behavioral tools).
    - This requirement does not apply if the agency delivers only assessments, drug abuse education or social detox. It does, however, apply to all other approved modalities.
- Retain on staff one or more ASI certified counselors.
    - This requirement does not apply if the agency delivers only drug abuse education or only social detox. It does, however, apply to all other approved modalities.
- Retain on staff one or more SASSI III certified counselors if the agency is approved for the delivery of assessment services.
- Notify KDOC of any and all SB 123 staffing changes via the SB 123 Staffing Change Notification Form (see Chapter VIII) within 5 working days of any staff departure or addition.

Certification is for a four-year period; recertification of a program shall be by the secretary of corrections (see K.S.A. 2007 Supp. 75,52-144(b)).

2003 – SB 123 Treatment Providers Outline

Outline for actions on agreements, evaluation instruments, invoices and other documents

Document/Item/Action	Action/Issued/ sent **from**	Action/issued/sent **to**	**What or When or other action**
DOC Certification	Kansas Department of Corrections (KDOC)	Certified SB 123 Treatment Providers (TX)	Completion of certification requirements
Qualified Service Agreement	Kansas Sentencing Commission (KSC)	TX	Signed by both parties-Agreement (release to review data for evaluation)
Provider Agreement with CC	Community Corrections (CC)	TX	An agreement for services outlining the rates and terms between the CC and the TX.
Senate Bill 123 Treatment Provider Agreement-Insurance, Billings, Receipts and Payment for Services for Treatment and Assessment	KSC	TX	Agreement to file insurance and submit insurance receipts to KSC, invoice billing requirements for treatment and assessments.-Signed by both parties.
Provider Information Sheet	KSC	TX	Treatment Provider furnishes information, i.e. FEIN # and other for the purpose of receiving invoice payments from KSC
Referral for treatment/assessment	CC	TX	Clients referred to treatment provider per agreement
SB 123 DAAP (SB 123 Assessment) **(1) SB 123 Assessment Summary Form** **(2) SASSI II** **(3) Mental Health Screen (portion ASI)** **(4) Social History**	CC refers client SB 123 DAAP (all components) sent with invoice to CC by SB 123 TX	TX performs **SB123 DAAP** (SB 123 Assessment) CC sends invoice and all components of SB 123 DAAP to KSC	CC refers client to TX via SB 123 DAAP Summary Form partially completed with identifying information or other such form as agreed.
Team Meeting-SB 123 Assessment-Team meeting form signed and retained by CC & TX	CC schedules	TX	After sentencing to SB 123 team meeting to discuss the initial recommended treatment modality determined by the SB 123 Assessment, and the placement of offender into the appropriate modality.
Client Placement Agreement	CC	TX	A client placement agreement is signed by CC & TX to place the offender in the recommended treatment modality.
Offender starts treatment			
Invoice for Treatment	TX	CC	Sent to CC no later than 10 days from the end of the month in which services were provided. *ASI documents included for services within the first 30 days of treatment.
Initial ASI (1st) Accompanies the invoice billed for the modality services of the first 30 days of treatment.	TX	Copy sent to CC with invoice for treatment	First (1st) 30 days into treatment-ASI is included in the modality-NO SEPARATE BILLING
Team Meeting Reports	CC	TX	No more than 30 days-review offenders progress Both parties sign Team Meeting Reports and keep on file. – ON GOING through out treatment duration.
Monthly Insurance Report Form*	TX	KSC	Providers send to KSC their SB 123 client list-showing whether insurance has been filed for each offender or no insurance available.—*See above- *Senate Bill 123 Treatment Provider Agreement-Insurance, Billings, Receipts and Payment for Services for Treatment and Assessment* -
Insurance Reimbursement-A Remittance Form- must accompany any insurance or medical card payment.	TX	KSC	**Whenever monies are sent to KSC** from insurance or Medicaid an *Insurance Remittance Form* must be included to identify the correct client/offender.
Discharge ASI (2nd) <u>Underline section(s) only</u>	TX	CC and KSC May accompany the invoice for the final treatment modality	The discharge ASI (2nd) per court case should be attached to the treatment invoice. Coordination between the CC officer and the provider is vital. This ASI is given as a part of the offender's last modality-not separately billed.
Post ASI (3rd)-at least 6 mos after discharge from SB 123 per TOADS Intervention by CC <u>Underline section(s) only</u>	TX	KSC	Post ASI (3rd) is administered at least 6 months after discharge. Treatment provider may use incentive to assure contact with client. KSC pays $100-Invoice and ASI documents sent directly to KSC by treatment provider.

CHAPTER VI: TREATMENT INVOICE PAYMENT SUBMISSION PROCESS

Introduction

A funding source from State General Funds (SGF) has been identified specifically for treatment costs for Senate Bill 123 sentenced offenders. K.S.A. 2007 Supp. 75-52,144(d) states, in part, that "the cost for all drug abuse assessments and certified drug abuse treatment programs for any person shall be paid by the Kansas Sentencing Commission from funds appropriated for such purpose. The Kansas Sentencing Commission shall contract for payment for such services with the supervising agency." In compliance with this statutory provision, Memorandum of Agreements have been entered into with each Community Corrections jurisdiction by the Sentencing Commission. Each invoice for treatment service payments must be authenticated at the local Community Corrections agency by both the ISO and the Director or his/her designee. Completed invoices are sent to the Sentencing Commission for payment which is made to the treatment provider. In this process, information is integrated and correlated between the invoice sent for payment, the data entered in TOADS, and the State's accounting system. Below is an overview of the bill payment process followed at the Sentencing Commission followed by some areas of specification regarding services that can and cannot be billed under the provisions of this legislation.

Overview of the Sentencing Commission's Internal Bill Payment Process

1. Invoices are mailed, hand delivered, or e-mailed to the KSC. KSC date stamps all invoices received.
2. Invoices are visually inspected for obvious errors, including missing signatures, dates, offender data, and treatment information.
    a. Invoices that ***pass*** the first inspection are sorted by Treatment Provider then stamped with an invoice number.
    b. Invoices that ***do not pass*** inspection are marked by a red "REJECTION" stamp, and the invoice is returned to the Community Corrections from which it came (and a copy to the Treatment Provider) with a form letter stating the rejection reason and a request to re-submit the invoice after the identified error is corrected.
3. Complete and accurate invoice data is then input into KSC's "Treatment Provider's Payment System" database, also known as TPPS.
4. TPPS compares the data entered from the invoice to existing data in the "Total Offender Activity Documentation System" (TOADS) for accuracy.
    a. Invoices containing information that does not correlate to the data in TOADS are REJECTED (see #2b above).
    b. TPPS also checks for math errors, and previously entered invoices for the same offender/modality/month (check for duplicates).
5. Voucher numbers are then assigned to the correct invoices, by Treatment Provider.
6. A report is printed from TPPS which gives summary information needed to enter the invoices into the State payment system (STARS), where the payment warrants are actually generated.
7. KSC enters the invoices as a batch into STARS and paper vouchers are printed, a cover sheet is signed by the preparer, and the vouchers signed by a KSC designated officer. They are then delivered to Accounts and Reports for payment.
8. KSC receives the warrants one to two business days later, enters the warrant numbers and date mailed to the Provider, into TPPS. A warrant summary is printed from TPPS, then double checked against the original invoices for amount and payee accuracy. A copy of the warrant summary is mailed with the warrant to the Treatment Provider.
9. KSC files a copy of the payment warrant detail, a copy of the payment warrant, and the original invoice into the appropriate Treatment Provider file. KSC files the STARS report, batch sheet, and payment vouchers sequentially by date into binders

Invoice for Purchase of Service form

A copy of the invoice for billing for treatment services is contained in Chapter VIII. The Invoice form has undergone several changes since the SB 123 program has been in place. **Please check the Sentencing Commission's web site at http://www.kansas.gov/ksc to ensure you are employing the latest version**. Changes in the invoice form have been necessitated by changes in and refinement of reporting protocols.

What Services are Billable?

***Modalities*.** Only those modalities listed in the "Approved Treatment Modalities and Cost Caps" table (see pages 6 - 7 in this chapter) are billable services under SB 123. Only those modalities for which the treatment provider has achieved approval through the Department of Corrections are billable under the provisions of SB 123.

***Approved Provider Listing*.** A current listing of all Kansas Department of Corrections Senate Bill 123 Approved providers may be accessed in TOADS. From the INTERVENTIONS VIEW, click 'SB 123 Providers' button on the left-hand side of the screen. Once in this view you must click the 'Approved SB 123 Providers' button to access those providers approved to provide services under Senate Bill 123. **This is the only listing** that provides the most accurate and up to date information.

Components of Modality. Contained in the "Approved Treatment Modalities and Cost Caps" table (see pages 6 - 7 in this chapter) are minimum service components that are, at the minimum, required components of each treatment modality. SRS licensing standards establish the base from which each of these minimum components is derived. Note that SB 123 modalities shall be based in cognitive behavioral methods and there are other requirements that go beyond SRS licensing standards. SB 123 does not require treatment providers to complete a KCPC nor does this program require the treatment provider to input data into SRS's data system regarding any offender.

Residential Billable Days. Note that treatment may be billed for the day of arrival for residential services but will not be billed for the day of departure from residential services. This applies to Social Detox, Intermediate/Residential, Therapeutic Community, and Reintegration modalities.

Billing for Multiple Modalities on the Same Day.

- If an individual is in inpatient or residential treatment, no outpatient services may be billed on that same day.
- If an individual is engaged in inpatient or residential treatment, a minimum of one group family session per each 30 days of inpatient or residential treatment is required and is NOT billable as a separate item. This applies when the family is able, willing, and available to participate in the offender's recovery process.
- Outpatient Group and Outpatient Individual treatment services may be co-billed on the same day if, in fact, these two types of services are provided at different times on the same day.
- Outpatient Group and Outpatient Family treatment services may be co-billed on the same day if, in fact, these two types of services are provided at different times on the same day.
- Outpatient Individual and Outpatient Family treatment services may be co-billed on the same day if, in fact, these two types of services are provided at different times on the same day. Co-billing for these two services ***may not occur*** simply because the family was brought into an individual treatment session.
- Intensive Outpatient includes (but is not limited to) individual, group and/or family counseling and thus co-billing for intensive outpatient with outpatient individual, with outpatient group, or with outpatient family services may not occur.
- Relapse Prevention is content based to reinforce techniques provided by treatment that will prevent relapse occurrences. If a person is in Relapse Prevention, and the treatment provider determines that the individual needs Outpatient Individual to address issues that are not in the context of Relapse Prevention, then the Outpatient Individual treatment could co-exist with Relapse Prevention, as long as their need is documented.

Self-Pay

- Drug Abuse Education is the only totally self-pay modality under the provisions of SB 123.
- Offenders engaged in Reintegration may be required to contribute an offender co-pay to the treatment agency. This will be in accord with the rate structure negotiated between the supervising community corrections agency and the treatment agency as reflected in the Provider Agreement with Community Corrections (see Chapter VIII).
- Treatment providers should not accept payment for any other type of SB 123 service from the offender. (see Senate Bill 123 Treatment Provider Agreement - Insurance, Billing, Receipts and Payment for Services for Treatment and Assessment contained in Chapter VIII).
    - This statement applies to the initial 18-month term of sentence during which time the Sentencing Commission can pay for treatment services. Should the offender be able and willing to continue treatment services beyond the 18-month initial term of sentence, the offender may pay for such treatment himself/herself.

Offender Reimbursements and Insurance Proceeds

Providers will be required to bill any applicable insurance the client may have and return any monies obtained from insurance to the Sentencing Commission. Insurance pending must be documented on the monthly Invoice for Purchase of Service and insurance funds received must be documented and submitted to the Sentencing Commission monthly along with the SB 123 Insurance Payment Remittance form. Even if no insurance funds are received during a particular month, the monthly Insurance Reporting form must be completed and forwarded to the Sentencing Commission.

Payment for Services Provided

Payment is made by the Sentencing Commission to certified treatment providers for invoices that pass through the quality control process described in the Overview above. The rate of payment must be within the cost caps as published in the Approved Treatment Modalities and Cost Cap table below and shall be at the rate negotiated with the Community Corrections agency of supervision and documented on the Provider Agreement with Community Corrections (as contained in Chapter VIII).

Aging of Invoices for Payment and Denied Claims

Treatment providers must submit invoices to community corrections agencies in a timely manner. Invoices shall be submitted to Community Corrections agencies ***within ten working days*** of the end of the previous month. If for any reason, the treatment provider submits an invoice more than 10 working days after the last day of the service month, that treatment provider must submit in writing, either on the invoice or as an attachment, an explanation stating why the invoice is late. Once the invoices have been received, the community corrections agency has ***five working days*** to review the invoice for accuracy and completeness, to obtain signatures that authorize payment, and to submit the invoices to the Sentencing Commission. The Sentencing Commission may request that a community corrections agency submit, in writing, an explanation for any delay in this process.

Invoices received from treatment providers submitted for treatment later than 45 days (actual days, not working days) from the end of the month for which treatment is being billed ***shall be denied*** by the ISO and director. The denied invoice should be clearly marked as denied, and sent to the Sentencing Commission. The Sentencing Commission will log the appropriate information and file the denied invoice. The Sentencing Commission may also require the treatment provider to submit a corrective action plan, describing the procedures implemented to avoid future late invoice submission.

The Sentencing Commission has established this timeline for the submission of invoices to aid in budgeting accuracy for the program, and to prevent budget issues from occurring. Treatment provider and community corrections agency compliance with this timeline is essential to ensure a smooth payment process.

Other Points of Interest regarding Billing for Treatment Services

Invoice Checking

The invoiced modality/modalities should match those outlined in the Client Placement Agreement. This should be checked and authenticated at the Community Corrections level (see Community Corrections Self Audit Tool for Invoice Authentication contained in Chapter VIII).
Community Corrections is, by virtue of signature of ISO and Director, authenticating the services delivered by the treatment provider (to the best of their knowledge) and is providing authorization to the Sentencing Commission to make payment for those treatment services at the rate reflected on the invoice.

Term of Treatment

The legislation (K.S.A. 21-4729 (c)) states that "The sentencing court shall commit the offender to treatment in a drug abuse treatment program until determined suitable for discharge by the court but the term of treatment shall not exceed 18 months." Thus, no bills for treatment services can be paid by the Sentencing Commission beyond 18 months from the scheduled treatment start date. This does not alter the Court's ability to extend or revoke and reinstate probation under SB 123, however, the 18-month term during which treatment services can be paid from State General Funds allocated for such purpose will be calculated from the scheduled treatment start date on the case in question.

***** Revision of 18–month policy (Effective December 21-2006)***

The calculation for payment eligibility for treatment invoices under SB 123 has changed from 18 months from "the sentencing date" to 18 months from "the first scheduled start date of treatment." The first scheduled start date of treatment refers to the first scheduled date of the initial treatment modality that began the offender's treatment plan.

The purpose of this policy change is to allow SB 123 eligible offenders to receive the opportunity for treatment up to 18 months in duration, even though they may have previous sentence obligations to fulfill prior to beginning treatment. The Kansas Sentencing Commission received information from a number of Community Corrections' Officers relating that some offenders' sentencing conditions delayed the start time of treatment and that those situations were not under the offender's control. For example:

- Offender is sentenced to SB 123 treatment, but is first required to serve time in jail, therefore, the opportunity for treatment is delayed and the duration is shortened;
- Offender is sentenced to SB 123, but the judge requires that the offender go to Labette before beginning the SB 123 treatment;
- Offender is sentenced to SB 123, but has a case in another county where incarceration requirements must be fulfilled before SB 123 treatment can begin; or
- Offender is sentenced to SB 123, but has a serious medical condition that must be resolved before treatment can begin.

This policy change does not provide additional time delays for the following non-exclusive list of reasons that are directly in the control of the offender:

- Intentional delays by the offender in starting SB 123 treatment;
- Absconding;
- The offender violating the terms of probation, which results in jail time and in turn interrupts the offender's treatment plan; or
- Any other cause which is in the control of the offender.

Community Corrections' officers will be able to determine the expiration date of SB 123 treatment, by referring to their case management files to see when the offender was first scheduled for treatment under SB 123. The officer can then enter that date on all invoices and determine the expiration date at 18 months from that scheduled start date; or provide that information to the treatment provider so they will have that information and can enter it on the invoices.

To accommodate the changes, and to track the information, the Kansas Sentencing Commission revised two forms.

- The Client Placement Agreement has been revised so that the Community Corrections Officer may enter not only the sentencing date, but also the date that treatment is scheduled to begin and the expiration date of SB 123 treatment payments, which is 18 months from the start date of the initial treatment modality. That information should be present on all client placement agreements, whether it is the initial treatment modality or any sub-sequential treatment modality.

- The Invoice for Treatment Services has been revised so that not only the sentencing date, but also the scheduled start of treatment date and the SB 123 treatment expiration date may be entered *(18 months from scheduled treatment start date)*.

Number of Minutes Constituting a "Billable Hour" of Treatment Service

A minimum of 50 minutes of treatment services shall be delivered to a client to constitute a billable hour.

Invoice Approval

Invoices are to be authenticated by the Community Corrections agency of supervision.

SB 123 Assessments

Only one SB 123 Drug Abuse Assessment Package (SB 123 DAAP) will be paid for by the Sentencing Commission per case.

Approved Treatment Modalities and Cost Caps

Modality	Cost Cap	Minimum Service Components
SB 123 DAAP	$200 per assessment (one assessment per SB 123 court case)	DAAP includes: * SASSI III, with SASSI probability * Psychiatric Status portion of ASI * Clinical Interview for social history * SB 123 Assessment Summary form (Chapter VIII) (All submitted to KSC along with Invoice for this service) Other Components: * Team meeting * Initial treatment recommendations
Social Detox	$200 per day	24 hours/day 7 days/week – average stay 3 days Medical staff on sight monitors vital stats
Therapeutic Community	$150 per day	Cognitive behavioral based 24 hours/day; 7 days/week Residential ASI – 1st through 3rd as required ** If offender is engaged in inpatient treatment, a minimum of one group family session per each 30 days of inpatient treatment is required and is NOT billable as a separate item. This applies when the family is able, willing, and available to participate in the offender's recovery process.*
Intermediate/ Residential	$180 per day	Cognitive behavioral based 24 hours/day; 7 days/week ** NOTE: offenders do NOT leave intermediate residential facilities for employment, education, or other similar reasons.* Treatment can range from 7-40 days in length. Those offenders sentenced on or after July 1, 2015 are subject to a treatment range from 7-21 days in length. Under no circumstances will payment be made for intermediate/residential services beyond 90 days. Structured clinical program meeting ASAM specifications. Includes Group and Individual counseling, at a minimum up to 10 hours per day. ASI – 1st through 3rd as required ** If offender is engaged in inpatient treatment, a minimum of one group family session per each 30 days of inpatient treatment is required and is NOT billable as a separate item. This applies when the family is able, willing, and available to participate in the offender's recovery process.*
Intensive Outpatient	$40 per hour	Cognitive behavioral based 10 (minimum) -15 hours of direct clinical services with a certified counselor per week The program shall have a minimum of ten hours per week of scheduled, structured group, individual, and/or family counseling for each individual client. 2-7 weeks in length ASI – 1st through 3rd as required

Modality	Cost Cap	Minimum Service Components
Outpatient Individual	$80 per hour	Reinforces cognitive behavioral based concepts and tools 1-3 hours per week with counselor as needed ASI – 1st through 3rd as required
Group	$25 per hour	Cognitive behavioral based 1-8 hours of services per week; 8-12 weeks in length ASI – Initial and follow-ups as required
Family	$75 per hour	Reinforces cognitive behavioral based concepts and tools 1 hour per week; 8-12 weeks in length ASI – Initial and follow-ups as required ** If offender is engaged in inpatient treatment, a minimum of one group family session per each 30 days of inpatient treatment is required and is NOT billable as a separate item. This applies when the family is able, willing, and available to participate in the offender's recovery process.*
Re-integration	$37 per day plus offender co-pay	Cognitive behavioral based Minimum of 10 hours of structured clinical activity per week – which shall include at a minimum of three hours of scheduled, structured individual, group or family outpatient services. Offenders are expected to be employed or actively seeking employment during their reintegration engagement. Frequently follows an inpatient modality as a "step-down" modality. ASI – 1st through 3rd as required
Relapse Prevention /Continuing Care	$25 per session for either group or individual	Cognitive behavioral based Sessions to occur subsequent to successful completion of another, higher intensity treatment modality. Serves as a follow-up and emphasis of cognitive behavioral tools and skills obtained in another treatment modality by providing relapse prevention planning, follow-through, and action plan development to handle potential relapse events so as to maintain a lifestyle free from drug usage. Exact number of sessions will be determined by the individual offender's need. Only 1 session per day is billable. ASI – 2nd and 3rd as required
3rd (Outcome or 6-mon. Follow-Up ASI	$100 – offender pay	Completed six months after final discharge from SB 123 treatment program by the last treatment provider who delivered services to the offender
Drug Abuse Education	$100 – offender pay	Set, standard 8 hour curriculum (see Chapter V) Pre and Post test required (see Chapter VII) KDOC Certification of providers not needed, due to short duration of this treatment modality and its set curriculum.

2003 - SB 123 Agreements and Instruments-Application Schedule Table

This table is to be considered as a tool only; it is not an official document. Information changes will impact the accuracy and content included in the table.

Name/Item	Send to	Sent by:	When
Memorandum of Agreement Between Kansas Sentencing Commission and Community Corrections	Community Correction Agency (CC)	Kansas Sentencing Commission (KSC)	Initial agreement for 2003-SB 123
	KSC	CC	
Qualified Service Agreement	KSC, CC & TX	TX	Upon Certification by KDOC
Senate bill 123 Treatment Provider Agreement-Insurance, Billings, Receipts and Payment for Services for Treatment and Assessment	TX	KSC	Upon Certification by KDOC or when notified.
	KSC	TX	After signed by Provider
Provider Information Sheet	TX	KSC	New Provider-Vendor Information to establish account
	KSC	TX	
LSI-R	CC & Courts	CC & Courts	Within 30 days of Court referral & ongoing throughout supervision
TOADS	Entered by CC ISO	n/a	After LSI-R
Provider Agreement –CC & TX	Copy to KSC, CC, TX	CC or TX	Agreement with CC and TX
Referral	TX	CC	Conviction-most jurisdictions
SB 123 Assessment (SB 123 DAAP)	CC &KSC-	TX	Conviction
1) **SB 123 DAAP Summary Form**	CC & KSC	TX	" "
2) **SASSI III**			
3) **Psychiatric Screen** (ASI section)	CC & KSC	TX	" "
4) **Social History**	CC & KSC	TX	" "
Enter into **TOADS-**	Be downloaded & viewed by KSC	CC	CC enters all information & interventions
Invoice- SB 123 DAAP must accompany **invoice** for **assessment** charges-components: 1. SB 123 Assessment form: 2. SASSI III: 3. Psychiatric Screen 4. Social History	CC	TX	After Assessment is done as authorized by CC
	KSC	CC	
Offender Sentenced 2003-SB 123-JE	***KSC***	***Court or if necessary CC***	***Sentencing Date/Court date***
Team Meeting - Form	Completed and signed by all parties. CC-file copy and TX –file copy (reviewed during audit) – initiation of Team Meeting is as agreed by the parties.		Treatment plan according to Assessment
Placement Agreement	Copy sent to KSC	CC	At initial Team Meeting
Treatment Modality Selected		CC	Per Placement Agreement
Enter into **TOADS**		CC	CC enters interventions
Invoice***- Treatment provider submits invoice to CC for Authorization***	Sent to KSC for Payment	CC	As services rendered or Monthly billing cycle as applicable.
ASI-1st ***(copy of ASI should accompany invoice)***	KSC & CC	TX	Within 30 days of start of treatment
Team Meeting Reports –Form -signed by both CC&TX	All Parties		Team meetings -monthly or more frequently as agreed
Offender Reimbursement-Remittance Form to accompany all payments whether by CC or offender	Payments sent to KSC	CC or Money Order sent directly by Offender	Accompany each payment
Insurance Remittance Form	Sent with **all** payment to KSC	TX	Accompany each insurance payment
Monthly Insurance Payment- ***report form***	KSC	TX	Required at initial and subsequent TX placements
ASI-2nd- Coordination-by CC & TX –copy of ASI to KSC	KSC & CC (as agreed)	TX	Discharge from Treatment
Enter in TOADS	CC	CC	Upon discharge
ASI-3rd- copy of ASI accompanies invoice	KSC	TX	≈6 months post discharge

Rev. 6/2008

Items to be sent to KSC:	**Items sent by:**
Memorandum of Agreement	CC
Senate bill 123 Treatment Provider Agreement-Insurance, Billings, Receipts and Payment for Services for Treatment and Assessment	TX
Qualified Service Agreement	TX
Provider Agreement with Community Corrections	CC
SB 123 DAAP (all four components)	TX
Invoices	CC
Placement Agreements	CC
Team Meeting signed forms-kept on file by CC & TX	n/a
Offender Reimbursement payments (Remittance Form)	CC
Insurance Payments (Remittance Form)	TX
Insurance Monthly Report	TX
Initial ASI 1st	TX
Discharge ASI-2nd	TX
Post ASI 3rd done 6 months after discharge	TX

CC = Community Corrections Agency
TX = Treatment Provider Agency

NOTE: This table is to be considered as a tool only; it is not an official document. Information changes will impact the accuracy and content included in the table.

Please direct questions concerning KDOC agency certification to: Kevin Smith - (785) 291-3192
Please direct questions concerning invoices, reimbursement payments, and insurance payments to: Jan Brasher, (785)296-0923 at the Kansas Sentencing Commission.

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CHAPTER VII: INSTRUMENTS

Level of Services Inventory – Revised© (LSI-R©)

The Level of Services Inventory – Revised © is a proprietary instrument constructed by Don Andrews, Ph.D. and James Bonta, Ph.D., and is distributed through Multi Health Systems, Inc. Additional information on the LSI-R© may be found at the following web site: https://www.mhs.com/ecom/(Owlfgk55k0jic155xjkndgv3)/ShopRptGrp.aspx?SubApplD=RSK.

SASSI III

SASSI III is a proprietary instrument and is available through the SASSI Institute. They may be contacted through their web site at http://www.sassi.com/sassi/index.shtml.

Psychiatric Status Portion of ASI

The Psychiatric Status portion of the ASI 5th edition is the mental health screen for this population. The ASI 5th edition is available at http://www.tresearch.org/.

ASI 5th Edition

Information concerning the ASI, as well as a full copy of the instrument, is found at http://www.tresearch.org/. SB 123 requires usage of the ASI 5th edition, **not the ASI Lite.**

The second and third administration of the ASI for an offender, during a particular SB 123 sentence, will be conducted using only the items marked for follow-up in the instrument.

Drug Abuse Education Testing

A copy of the Drug Abuse Education Test may be found on the KSC website at http://www.kansas.gov/ksc/SB123.shtml. One copy of the completed and scored Pre Test stapled to the completed and scored Post Test shall be kept in the client file at the treatment agency and a copy shall also be sent to the ISO, for maintenance in the offender's file, and the Kansas Sentencing Commission.

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CHAPTER VIII: FORMS

Included in this chapter are the following forms:

- Assessment Summary Form
- Client Placement Agreement
- Community Corrections Self Audit Tool with Regard to Invoice Authentication
- Insurance Payment Remittance
- Invoice for Purchase of Service
- Memorandum of Agreement Between the Kansas Sentencing Commission and Community Corrections
- Offender Reimbursement Remittance Form
- Provider Agreement with Community Corrections
- Qualified Service Organization Agreement
- Staffing Change Notification Form
- Team Meeting Documentation Form
- Treatment Provider Agreement (Insurance, Billing, Receipts and Payment for Services for Treatment and Assessment)
- Treatment Provider Monthly Insurance Report Form
- Drug Abuse Education Pre and Post Test

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2003 SB 123: Assessment Summary Form

Date of Assessment: _____ (M/D/YYYY)

AUTHORIZED TREATMENT PROVIDER	COMMUNITY CORRECTIONS AGENCY	
Provider Name:	District:	
Street Address:	Street Address:	
City / State / Zip:	City / State / Zip:	
Assessor Name: Phone No.: Fax No.:	ISO Name: Phone No.: Fax No.:	
Assessor Signature:	ISO Signature:	Community Corrections Director Signature:

Safeguarding of Client Information. The information contained on this form is confidential and not to be used or disclosed by any party, for any purpose that is not connected directly to the Court's assignment of sentence or the case management responsibilities assigned by law to Community Corrections or by court order. Treatment providers are required to maintain confidentiality consistent with the requirements of their state license.

OFFENDER PROFILE		
Conviction Name (First, MI, Last):		KDOC No.:
Date of Birth:(MM/DD/YYYY)	County of Conviction:	Court Case No.:

SASSI III Probability:	SASSI III Profile Scores:
High: ☐ Low: ☐	FVA / FVOD / SYM / OAT / SAT / DEF / SAM / FAM / COR NOTE: A copy of the full, completed SASSI III, along with this form, must be submitted to the supervising Community Corrections officer when billing for assessment services.
Mental Health Screen Result Yes ☐ No ☐	Mental Health Comments:
Clinical History Comments: (attach additional page(s) as necessary)	

ASSESSOR RECOMMENDATIONS: Identify initial treatment modality as reflected by ASAM criteria

Initial Treatment Modality (check)	Modality
☐	Social Detoxification
☐	Therapeutic Community
☐	Intermediate Residential
☐	Intensive Outpatient
☐	Outpatient – Individual
☐	Outpatient – Group
☐	Outpatient – Family
☐	Reintegration
☐	Relapse Prevention/Continuing Care
☐	Drug Abuse Education

DISTRIBUTION OF THIS DOCUMENT:

- **Treatment Agency (Provider)** – copy of this form along with the supporting instruments maintained in Treatment file of the offender-client.
- **Community Corrections Agency of Supervision –** copy of this form along with the supporting instruments maintained in offender-client file.
- **Kansas Sentencing Commission** – copy of this form submitted along with invoice for assessment services.

Client Placement Agreement

Scheduled Treatment Start Date: _____ MM/dd/yyyy	KSC Payment Expiration Date: _____ MM/dd/yyyy

This Agreement entered into on _____ day of _____, _____ by and between the
(Day) (Month) (Year)

("COMMUNITY CORRECTIONS") and

_____ _____
(Name of Community Corrections Agency) (Name of Provider)

("PROVIDER") located at _____
(Provider Street Address) (City) (State) (Zip)

for and in consideration of the treatment and responsibilities listed below, placement of:

_____ **, born on** _____ **, Kansas Department of**
(Current Legal First Name/MI/Last Name) (MM/DD/YYYY)

Corrections Number _____ **, convicted in the county of** _____
KDOC Assigned

Court case number _____ **, supervised by** _____
Community Corrections Agency

with the PROVIDER for the following treatment:

- ☐ **Social Detox** — **Program Length:** _____
- ☐ **Therapeutic Community** — **Estimated length of stay:** _____
- ☐ **Intermediate Residential** — **Estimated length of stay:** _____
- ☐ **Intensive Out-Patient** — **Estimated program length:** _____
- ☐ **Out-Patient Group** — **Estimated program length:** _____
- ☐ **Out-Patient Family** — **Estimated program length:** _____
- ☐ **Out-Patient Individual** — **Estimated program length:** _____
- ☐ **Reintegration** — **Estimated program length:** _____
- ☐ **Relapse Prevention/Continuing Care** — **Estimated program length:** _____
- ☐ **Drug Abuse Education**

RESPONSIBILITIES OF THE PROVIDER:

1. Serve this offender in the designated type of treatment **within the estimated length of stay** (marked above). Type of treatment **and estimated length of stay** is not to be changed without prior approval of the offender's Intensive Supervision Officer (ISO) and a modified Client Placement Agreement.
2. Provide client with the following written information: date, time, location, phone/fax and fee information.
3. Provide timely and informative evaluations, along with supporting documentation per required format(s).
4. Complete/maintain pre and post-testing as applicable.
5. Report all violations of **court order** immediately to supervising agency.
6. Provide access to assessment and treatment services within three (3) business days following initial referral.
7. Attend all scheduled multi-disciplinary team meetings through the course of treatment.
8. Provide timely communication to Community Corrections regarding client attendance, client progress or lack of progress, treatment plan updates, discharge planning and recommendations, and other significant changes in the course of treatment or care plan.
9. Communicate with Community Corrections/ISO prior to discharging the client from treatment.
10. Maintain appropriate client record that meets SRS licensure standards.
11. Execute appropriate confidential release of information forms.

12. Provide detailed billing information to Community Corrections, on the "Invoice for Purchase of Service" form published by the Kansas Sentencing Commission (KSC) to include date and type of service, within forty-five (45) days of the date of service(s) rendered.
13. All treatment must include a full cognitive based curriculum (excluding assessment, social detox, and drug abuse education services).
14. Provide all client UA results to Community Corrections

RESPONSIBILITIES OF COMMUNITY CORRECTIONS:

1. Authorize payment at the established rate of pay, per treatment modality, effective the date of placement up to the last of placement. There is no reimbursement for the day the client leaves. This rate of payment shall not be changed without prior notice and renegotiations for purchase of service. – a modified Provider Agreement would need to be executed
2. Share plans, goals and other pertinent information concerning the client that is needed to provide appropriate care.
3. Provide payment authorization to the KSC within sixty (60) days of service(s) rendered.
4. Participate in treatment and multi-disciplinary team meetings through course of treatment.
5. Provide thirty (30) days notice before removing the client when possible. No prior notice is required if removal is court ordered.
6. Provide regular reports regarding the progress of the offender under the terms of supervision.
7. Notify the PROVIDER of all pending court actions and court determinations.
8. Provide all results of UA collections.

Modification

This Agreement may be modified, amended or supplemented by written agreement signed by Community Corrections and the Provider.

Authorized Treatment Provider Signature:	Date: MM/dd/yyyy	Phone # Fax #
Community Corrections Agency: ISO Signature:	Date: MM/dd/yyyy	Phone # Fax#

Safeguarding of Client Information: The information contained on this form is confidential and not to be used or disclosed by any party, for any purpose that is not connected directly to the Court's assignment of sentence or the case management responsibilities assigned by law to Community Corrections or by court order. Treatment providers are required to maintain confidentiality consistent with the requirements of their state license.

DISTRIBUTION OF THIS DOCUMENT:

- Treatment Agency (PROVIDER) – Copy maintained in Medical Records file of the Offender/Client
- Community Corrections Agency of Supervision – Copy maintained in Offender/Client file

Community Corrections Self Audit Tool with regard to Invoice Authentication

2003 - SB 123 Alternative Sentencing Policy for Drug Possession Offenders

		Items to review/Source	Yes	No	Comments/Description
1.	**OVERVIEW PROCESS ITEMS**				
	Is there a review process in place at the Community Corrections agency to approve Invoices for Treatment services submitted under SB 123?	• Discussion with ISO, Director			
	Is there any proof of service required form the provider?				
	Is there any proof of service required form the offender?				
2.	**ASSESSMENT PROCESS**				
	Is there any documentation or information indicating that there was a team meeting with at least the Assessor and the ISO following the Assessment?				
	Were the ISOs information and concerns regarding the offender taken into account when determining the level of treatment service?				

		Items to review/Source	Yes	No	Comments/Description
3	**CLIENT PLACEMENT AGREEMENT**				
	Is there a Client Placement Agreement in place reflecting each type of treatment service indicated on the Invoice?	• Invoice, • Client Placement Agreement			
	Is the Client Placement Agreement based on the results of the SB 123 Assessment?	• Client Placement Agreement • SB 123 Assessment form			
	---if no, is there documentation as to "why not"?	•			
	---if no, was this mutually agreed to by the ISO and the Treatment Provider and is there documentation of this agreement?	•			
	Has the offender been in treatment longer than the recommended time frame as reflected in the Client Placement Agreement?	• Client Placement Agreement • TOADS – Date entered treatment • Date of services per Invoice			
	---if yes, is there documentation as to rationale?				
	---if yes, was this agreed to by both treatment and supervision?				

		Items to review/Source	Yes	No	Comments/Description
4.	**SENTENCE EXECUTION: TEAM OF SUPERVISION AND TREATMENT**				
	Are there monthly team meetings inclusive of ISO and Treatment Provider with regard to this offender?				
	Is there indication that the monthly team meetings are providing a dialogue of information such that the overall progress of the offender is mutually known by supervision ISO and by Treatment provider?				
	Are you receiving Team Meeting Documentation Forms as required?	• Team Meeting Documentation Forms			
	Are the Team Meeting Documentation Forms complete?	• Team Meeting Documentation Forms			
	Are the Team Meeting Documentation Forms accurate?	• Team Meeting Documentation Forms			
	Are the Team Meeting Documentation Forms timely?	• Team Meeting Documentation Forms			

		Items to review/Source	Yes	No	Comments/Description
5.	**ADDITIONAL DOCUMENTATION CHECK**				
	Are the required reports received from the treatment provider?	• In Implementation Manual, see: √ Drug School pre and post test (Chapter VII)…if offender participated in drug abuse ed. √ Client Placement Agreement (Chapter VIII) √ SB 123 Assessment Form (Chapter VIII) √ Team Meeting Documentation Form (Chapter VIII) Other forms as required at local level			
	Are these reports received in a timely fashion?	•			
	Are these reports accurate?	•			
	Are these reports complete?	•			
6	**TOADS VERIFICATION**				
	Is the necessary information in TOADS up-to-date?	•			
	Court Case properly reflective of SB 123 case?	•			
	Offender Status accurate?	•			
	Does the intervention(s) in TOADS accurately reflect the intervention for which the Invoice is submitted?	•			
	Is the TOADS Intervention data accurate and complete?	•			

		Items to review/Source	Yes	No	Comments/Description
	---is the Referral date entered? ---Does the Referral date correspond with the invoice?	•			
	---is the "treatment entered" date completed in TOADS?	•			
	---does the "treatment entered" date in TOADS correspond to the Invoice?	•			
	---Is the Treatment Provider entered in TOADS?	•			
	---Does the Treatment Provider entered in TOADS match with the Treatment Provider identified on the Invoice?	•			
	---If applicable, is the "completion/termination date" entered in TOADS?	•			
	---If applicable, does the "completion/termination date" entered in TOADS correspond with the Invoice?	•			
	---If applicable, is the "completion/termination outcome reason" entered in TOADS?	•			
	---If applicable, does the "completion/termination outcome reason" entered in TOADS correspond with the Invoice?	•			
	---Are prior SB 123 Interventions / treatment modalities in TOADS closed out if the offender is no longer participating in that modality?	•			

** Also, need to be aware of "cookie cutter" assessment results; "cookie cutter" treatment plans.*

KANSAS

KANSAS SENTENCING COMMISSION
Honorable Ernest L. Johnson, Chairman
Helen Pedigo, Executive Director

KATHLEEN SEBELIUS, GOVERNOR

July 1, 2007

Dear **Community Corrections Agency** and **SB 123 Treatment Provider:**

Please find enclosed a copy of form *KSCIF 08/05* to be used for remittance of insurance payments; and a copy of *KSCORF-08/05* to be used for remittance of offender reimbursement payments.

Effective immediately, all payments **must be accompanied** with the applicable form so that the offender can be credited with the correct payment. As the volume of offender reimbursements and insurance payments increases, it is important that the appropriate form accompanies **all monies** sent to the Kansas Sentencing Commission.

Community Corrections--If the offender is sending payment directly to the Kansas Sentencing Commission, the ISO should supply all of their offenders with the "Offender Reimbursement Remittance" form *KSCORF-08/05* to assure that the payment is credited to the correct offender. If the Community Corrections agency is sending payments to the Kansas Sentencing Commission on behalf of the offender, this form should be used to attribute the payment to the appropriate offender.

Providers—The "Insurance Payment Remittance" form *KSCIF-08/05* needs to accompany all insurance payments to assure that the correct client is credited for any payments made by their insurance provider.

The computer fill-able remittance forms are available on the KSC website www.kansas.gov/ksc/ in "MS Word" format under SB 123 listing. Both forms are enclosed for your reference, or for copying to supply the offender with the necessary form to accompany their payment.

If you have any questions regarding the submission of either form, please contact me at: janb@sentencing.ks.gov , or by phone at (785) 296-0923. Thank you for cooperation in assuring that all payments made are correctly attributed to the appropriate offender.

Yours truly,

Jan Brasher, Fiscal Services

Please note that the remittance forms are to be sent with any payment-While the Insurance forms and the Offender Reimbursement form (see SB 123 Implementation Manual) are monthly or quarterly respectively.
Original date of letter was 08/05/05.

2003 - SB 123 Insurance Payment Remittance

This form shall accompany all SB 123 insurance Payments

Mail to: **Kansas Sentencing Commission**
700 SW Jackson, Suite 501
Topeka, KS 66603

Provider Name: _____

Provider Address: _____

_____

Date: _____

Total Remittance Enclosed: **$**

Detailed Payment information:

SB 123 Client Name Last	First	KDOC Number	Court Case Number	County	Community Corrections	Name of Insurer	Amount Paid

Comments:

Kansas Sentencing Commission Jayhawk Tower, 700 SW Jackson Street, Suite 501 Topeka, KS 66603	**INVOICE FOR PURCHASE OF SERVICE** (Please Type or Print Legibly) (Use the TAB key to move from field to field)	**/ 2** For KSC Use ONLY

1. Provider:	2. SERVICE MONTH / YEAR:	3. Sentencing Date:
4. Address:	5. Supervising Community Corrections Agency:	6. Scheduled Treatment Start Date:
7. City/State/Zip:	8. ISO Name:	9. 18 months after Scheduled TX Start Date: **

10. Offender Name: (Last)	(First)	(M.I.)	11. KDOC Number:	12. County of SB123 Conviction:	13. Court Case Number:

14. Modality	15. Service Units	16. $ Cost / Unit	17. $ Total	Place an "X" in the days of the month that services were provided :																															
				1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31
Assessment *																																			
Social Detox																																			
Therapeutic Comm.																																			
Intermediate Res.																																			
Intensive Outpatient																																			
Outpatient – Individual																																			
Outpatient – Group																																			
Outpatient – Family																																			
Re-Integration																																			
Relapse Prev. /Cont. Care																																			
Follow-Up (3rd) ASI *	1	$100.00																																	
18. **GRAND TOTAL**			**$**																																

*** PAYMENT WILL NOT BE PROCESSED UNLESS THE COMPLETED, APPLICABLE SB 123 ASSESSMENT FORM; SASSI III, MENTAL HEALTH SCREEN; *INITIAL* (1ST) ASI, *DISCHARGE* (2ND) ASI, and/or *FOLLOW-UP* (3RD – 6 months AFTER discharge) ASI FORM(S) ARE ATTACHED TO THE INVOICE FOR THESE SERVICES.**

**** No payment can be made for treatment done more than 18 months after the Scheduled Treatment Start Date.**

19. INSURANCE COMPANY BILLED? ☐ No ☐ Yes
20. INTERVENTION ENTERED INTO TOADS? ☐ No ☐ Yes
21. OFFENDER REIMBURSEMENT? ☐ No ☐ Yes

NOTES:

Signatures: I, the ISO, authorize the above services. I, the Treatment Provider certify that these services/materials have been provided and that this invoice is correct and true.

22. **ISO**: _____ Date: _____ Phone # _____

23. **Provider**: _____ Date: _____

24. **C.C. Director and/or Designee**: _____ Date: _____

26. Optional
Preparer:
Date:

25. ISO's Return Address

1 Copy to the Kansas Sentencing Commission 1 Copy to the Community Corrections Agency 1 Copy to the Treatment Provider

MEMORANDUM OF AGREEMENT BETWEEN THE KANSAS SENTENCING COMMISSION AND COMMUNITY CORRECTIONS

NOW, ON THIS ___ day of _____, _____, the Kansas Sentencing Commission, (hereinafter "KSC") and the _____Community Corrections (hereinafter "Community Corrections"), hereby enter into the following Memorandum of Agreement for the payment of drug abuse assessments and certified drug abuse treatment programs pursuant to K.S.A. 75-52,144 from funds appropriated for such purposes for offenders convicted of a felony violation of K.S.A. 2011 Supp. 21-5706 on or after November 1, 2003.

WHEREAS, Section 1 of 2003 Senate Bill 123, namely K.S.A. 21-4729, established a nonprison sanction of certified drug abuse treatment programs for certain offenders convicted of a felony violation of K.S.A. 2011 Supp. 21-5706 or 65-4162, requires such offenders receive a drug abuse assessment, and requires the sentencing court to commit such offenders to treatment in a drug abuse treatment program under supervision of community corrections for up to eighteen (18) months; and

WHEREAS, pursuant to the provisions of Section 2 of 2003 Senate Bill 123, namely K.S.A. 75-52,144, specifically, pursuant to subsection (d), the KSC has been given the responsibility to pay for the cost for all drug abuse assessments and certified drug abuse treatment programs from funds appropriated for such purpose; and

WHEREAS, K.S.A. 75-52,144(d) requires the KSC to contract for payment for such services with the supervising Community Corrections agency; and

WHEREAS, the KSC and Community Corrections have respectively determined that proper administration of funds appropriated by the state for drug abuse assessments and certified drug abuse treatment programs will be more efficiently distributed through a centralized payment process with the KSC administering and maintaining such centralized payment process; and

WHEREAS, a centralized payment process is beneficial to Community Corrections in that fewer staff are needed to process the invoices through a centralized, State-wide single point of contact than would be required should such system be distributed across the State, in that Community Corrections does not have to submit treatment expenditure and receipt reports on a real-time basis to the State, in that Community Corrections does not have to assume the responsibility of forecasting treatment needs into the future in the development of treatment budgets; and

WHEREAS, a centralized payment process is beneficial to the KSC in its ability to report expenditures and receipts on both a routine and ad hoc basis and to perform budgeting related to future program needs and such centralized payment system provides controls to ensure data availability to perform the evaluations required; and

WHEREAS, the KSC and Community Corrections have established a payment process from funds appropriated for drug abuse assessments and certified drug abuse treatment programs whereby the Community Corrections agency submits an Invoice for Payment of Services form ("Invoice") to the KSC. Each Invoice requires the signature of that offender's intensive supervision officer (ISO) validating that the services listed on the Invoice submitted by the treatment provider to Community Corrections for that offender are true, accurate and have been rendered to that offender as verified through team meetings and/or correspondence between the treatment provider and that offender's ISO. In addition to the signature of that offender's intensive supervision officer, the Director of such Community Corrections agency authenticates each Invoice by their signature thereby authorizing payment to such treatment provider. The authorization for payment to such treatment provider is based on the Director of such Community Corrections agency's determination that the Invoice accurately states the services rendered and that those services are in the amount agreed upon for that treatment modality as established in the Provider Agreement between the Community Corrections agency and the treatment provider. The KSC process each Invoice and remits payment from funds appropriated for such purpose to the identified treatment provider.

WHEREAS, from inception of K.S.A. 21-4729 and 75-52,144, the KSC has been performing these functions from funds appropriated for such purpose pursuant to K.S.A. 75-52,144(d).

NOW, THEREFORE, KSC AND COMMUNITY CORRECTIONS HEREBY AGREE AS FOLLOWS:

I. SCOPE

A. The provisions of this Agreement shall apply to all payments of drug abuse assessments and certified drug abuse treatment programs made by the KSC from funds appropriated for such purposes pursuant to K.S.A. 75-52,144(d) for offenders convicted of a felony violation of K.S.A. 2011 Supp. 21-5706 on or after November 1, 2003.

B. The KSC Senate Bill 123 Alternative Sentencing Policy For Drug Offenders Implementation Manual ("Manual") and program policies implemented by the KSC and the Kansas Department of Corrections (KDOC) are hereby incorporated by reference into this Agreement.

II. RESPONSIBILITIES OF KSC

A. **Centralized Payment Process.** The KSC shall maintain the centralized payment process for the payment of drug abuse assessments and certified drug abuse treatment programs from funds appropriated for such purposes pursuant to K.S.A. 75-52,144(d) for offenders convicted of a felony violation of K.S.A. 2011 Supp. 21-5706 on or after November 1, 2003.

B. **Payment of Invoice.** Upon submission of an invoice to the KSC by Community Corrections, the KSC shall process the Invoice for payment from funds appropriated for such purposes for offenders convicted of a felony violation of K.S.A. 2011 Supp. 21-5706 on or after November 1, 2003. Processing of an Invoice includes, but is not limited to, review of the following information: the offender's offense of conviction as reflected in the sentencing Journal Entry of Judgment form, intervention information listed in the Total Offender Activity Data System (TOADS), signatures of the ISO and Director of Community Corrections, the KDOC and Court Case Number, attached assessments or Addiction Severity Index (ASI) reports, etc. An Invoice with incomplete, inaccurate, missing information, missing signatures, information not listed within TOADS, or a non-qualifying offense of conviction shall not be processed and shall be returned to Community Corrections with a copy of such invoice sent to the Treatment Provider.

C. **Expenditures and Receipts.** The KSC shall maintain records of all expenditures of treatment funds. The KSC shall report these expenditures and receipts in reports presented at quarterly update conferences, the treatment budget request for future program needs, the legislative report and to Community Corrections when requested. Additionally, the KSC shall provide Community Corrections, when requested, information concerning reimbursements and/or insurance payments received on a particular offender.

D. **Notification of Expenditures and Funding Balances.** The KSC shall notify the Director of the Community Corrections agency of to-date expenditures and the balance of treatment funds remaining from funds appropriated for payment of assessment and certified drug abuse treatment services. Notification shall occur no less than four (4) times per year and may occur more frequently if necessary. Such notification will occur in the form of bulletins or letters which will be distributed by email to the Director of the Community Corrections agency.

E. **Notification of Revisions or Changes to Program Policies or the Manual.** From time to time, program policies and revisions to the Manual may occur. The KSC will send notification of the changes and/or revisions to program policies or the Manual in the form of bulletins or letters which will be distributed by email to the Director of the Community Corrections agency. Upon release of the bulletins or letters containing the revisions and/or changes to program polices or the Manual, this Agreement is amended to incorporate those revisions and/or changes.

F. **Required Evaluations.** The KSC shall perform evaluations of the implementation, process performance, outcome and impact of the certified drug abuse treatment programs. Such evaluations shall take place at eighteen (18) months post implementation, thirty-six (36) months post implementation, sixty (60) months post implementation and on other occasions as deemed necessary or requested. The data informing such evaluations shall be collected from several sources including, but not limited to, information input into TOADS by each ISO; Invoices submitted to the KSC for payment for assessments and treatment services; proceeds received from offender reimbursements and insurance proceeds; assessment results sent to the KSC; the three ASI measurements sent to the KSC; along with direct and indirect feedback from certified treatment providers, ISOs and others. Since information for these evaluations is predicated upon and includes information recorded in TOADS as well as information sent to the KSC, it is imperative that all transmitted information be accurate, complete, timely and non-duplicative. Evaluation results shall be shared with Community Corrections as well as other stakeholders through periodic update conferences, distribution of written reports, and other ad hoc and scheduled presentation events.

III. RESPONSIBILITIES OF COMMUNITY CORRECTIONS

A. **Sentencing Journal Entry of Judgment Form.** Community Corrections shall provide, from time to time as requested by the KSC, a copy of an offender's sentencing Journal Entry of Judgment form to enable the KSC to promptly and efficiently review such document. Sentencing Journal Entry of Judgment forms are usually received from the Clerk of the District Court in the county of conviction or from the County or District Attorney's Office. However, the KSC may request a copy of an offender's sentencing Journal Entry of Judgment form from Community Corrections in the event an offender is receiving treatment services and the KSC has not yet received a copy of such offender's sentencing Journal Entry of Judgment form.

B. **Intervention information in TOADS.** Community Corrections shall ensure that any and all assessment and treatment modality information (substance abuse intervention information) is entered in TOADS for each offender. This information shall be complete, accurate and timely to allow prompt processing of the Invoice for payment to the treatment provider. Complete and accurate information entered in TOADS includes, but is not limited to, each offender's court case information, tracking of the offender's status and treatment modality information. Additionally, complete, accurate and timely information is necessary for required evaluations of treatment services.

C. **Submission of Invoice.** Community Corrections shall review any and all information listed on an Invoice prior to submission of that Invoice to the KSC. Signature of the ISO on the Invoice validates that the services listed on the Invoice submitted by the treatment provider to Community Corrections for that offender are true, accurate and have been rendered to that offender as verified through team meetings and/or correspondence between the treatment provider and that offender's ISO. Additionally, signature of the Director of Community Corrections authenticates that Invoice confirming that the services listed on such Invoice are true, accurate and have been rendered to that offender and that those services are within the amount agreed upon for that treatment modality as established in the Provider Agreement between Community Corrections and the treatment provider, thereby authorizing payment to such treatment provider.

D. **Notification of the KSC, Sentencing Court and Treatment Provider.** Community Corrections shall notify the KSC, sentencing court and treatment provider, within thirty (30) days, of an offender's potential to exceed the eighteen (18) month maximum term of certified drug abuse treatment services authorized by K.S.A. 21-4729(c). The KSC cannot process an Invoice for treatment services that exceed the maximum term of certified drug abuse treatment authorized by statute. The offender's sentencing date is date from which the eighteen (18) month maximum term of certified drug abuse treatment begins.

IV. TERM OF AGREEMENT; MODIFICATION

The term of this agreement shall be continuous and ongoing, subject to any applicable amendments of K.S.A. 21-4729 and 75-52,144. The Agreement may be modified at any time by written addendum mutually agreeable to the KSC and Community Corrections.

V. TERMINATION

The KSC may terminate this Agreement in whole or in part, if in the judgment of the KSC, the Director of Accounts and Reports or Department of Administration, sufficient funds are not appropriated to continue the function performed in this Agreement and for the payment of the charges hereunder. In the event KSC elects to terminate this Agreement, the KSC shall provide Community Corrections written notice at least sixty (60) days prior to the termination date. The termination shall be effective as of the date specified in the notice.

Upon termination of this Agreement, the KSC shall not be liable for any services, claims, or expenses for assessments and treatment services authorized by Community Corrections after the termination date listed in the notice. Community Corrections shall assume liability for any and all such costs, claims, and expenses for assessments and treatment services after the termination date of the Agreement, and shall be responsible for any and all losses resulting from continued operation of the program.

SIGNATURES

I have read this Agreement, understood its contents and agree to the terms as set forth herein.

KANSAS SENTENCING COMMISSION

By: _____
Helen Pedigo, Executive Director

COMMUNITY CORRECTIONS AGENCY

By: _____
,Community Corrections Director

Distribution of this document:

- One copy with Community Corrections
- One copy to Kansas Sentencing Commission

KANSAS

KATHLEEN SEBELIUS, GOVERNOR

KANSAS SENTENCING COMMISSION
Honorable Ernest L. Johnson, Chairman
Helen Pedigo, Executive Director

July 1, 2007

Dear **Community Corrections Agency** and **SB 123 Treatment Provider:**

Please find enclosed a copy of form *KSCIF 08/05* to be used for remittance of insurance payments; and a copy of *KSCORF-08/05* to be used for remittance of offender reimbursement payments.

Effective immediately, all payments **must be accompanied** with the applicable form so that the offender can be credited with the correct payment. As the volume of offender reimbursements and insurance payments increases, it is important that the appropriate form accompanies **all monies** sent to the Kansas Sentencing Commission.

Community Corrections--If the offender is sending payment directly to the Kansas Sentencing Commission, the ISO should supply all of their offenders with the "Offender Reimbursement Remittance" form *KSCORF-08/05* to assure that the payment is credited to the correct offender. If the Community Corrections agency is sending payments to the Kansas Sentencing Commission on behalf of the offender, this form should be used to attribute the payment to the appropriate offender.

Providers—The "Insurance Payment Remittance" form *KSCIF-08/05* needs to accompany all insurance payments to assure that the correct client is credited for any payments made by their insurance provider.

The computer fill-able remittance forms are available on the KSC website www.kansas.gov/ksc/ in "MS Word" format under SB 123 listing. Both forms are enclosed for your reference, or for copying to supply the offender with the necessary form to accompany their payment.

If you have any questions regarding the submission of either form, please contact me at: janb@sentencing.ks.gov , or by phone at (785) 296-0923. Thank you for cooperation in assuring that all payments made are correctly attributed to the appropriate offender.

Yours truly,

Jan Brasher, Fiscal Services

Please note that the remittance forms are to be sent with any payment-While the Insurance forms and the Offender Reimbursement form (see SB 123 Implementation Manual) are monthly or quarterly respectively. *Original date of letter was 08/05/05.*

2003 - SB 123 Offender Reimbursement Remittance Form

This form shall accompany ALL remittance whether by Community Corrections or directly from individual

Mail to: Kansas Sentencing Commission
700 SW Jackson, Suite 501
Topeka, KS 66603

Community Correction Agency Name: _____
If payment is submitted by the Community Correction Agency

Name of Offender: _____
If payment is submitted directly by offender

Total Amount Enclosed: **Date:**

Detailed Payment Information:

SB 123 Client Name Last Name	First Name	KDOC Number	Court Case Number	County	Community Corrections	Amount Paid

Enter the information for one individual or several, as it applies.

Comments:

Provider Agreement with Community Corrections

This agreement entered into on the _____ day of _____ , _____ by and between the
(Day) (Month) (Year)

_____ ("Community Corrections") and _____
(Community Corrections Agency) (Provider Name)

("Provider") located at _____
(Provider Street Address) (City) (State) (Zip)

for and in consideration of the Modalities checked below and Responsibilities contained herein.

Check Modalities Provided:

☐	**Assessments**	**Agreed Price:** _____
☐	**Social Detox**	**Agreed Price:** _____
☐	**Therapeutic Community**	**Agreed Price:** _____
☐	**Intermediate Residential**	**Agreed Price:** _____
☐	**Intensive Out-Patient**	**Agreed Price:** _____
☐	**Out-Patient Group**	**Agreed Price:** _____
☐	**Out-Patient Family**	**Agreed Price:** _____
☐	**Out-Patient Individual**	**Agreed Price:** _____
☐	**Reintegration**	**Agreed Price:** _____
☐	**Relapse Prevention/Continuing Care**	**Agreed Price:** _____
☐	**Drug Abuse Education**	**Agreed Price:** _____

RESPONSIBILITIES OF PROVIDER:

1. Provide Community Corrections with:
   a. Copy of each ASI (required three (3) times) on each individual
   b. Copy of SASSI III on each individual
2. Abide by applicable drug and alcohol licensing regulations of the State of Kansas, Kansas Department of Corrections (KDOC) and the Kansas Sentencing Commission (KSC).
3. Adhere to all pre-service and on-going training required for respective type of provider.
4. Maintain up-to-date records as required by Community Corrections.
5. Provide timely and informative evaluations, along with supporting documentation per required format(s).
6. Complete/maintain pre and post-testing as applicable.
7. Provide curriculum/syllabus for each modality provided. Enforce policy regarding make-up sessions as required by KDOC certification.
8. Attend administrative meetings and training sponsored by Community Corrections as required.
9. Provide access to assessment and treatment services within three (3) business days following initial referral.
10. Attend all scheduled multi-disciplinary team meetings through the course of treatment.
11. Provide timely communication to Community Corrections regarding client attendance, client progress or lack of progress, treatment plan updates, discharge planning and recommendations, and other significant changes in the course of treatment or care plan.
12. Communicate with Community Corrections/Intensive Supervision Officer (ISO) prior to discharging the client from treatment.
13. Maintain appropriate client record that meets SRS licensure standards.
14. Execute appropriate confidential release of information forms.

15. Provide detailed billing information to Community Corrections, on the "Invoice for Purchase of Service" form published by the KSC to include date and type of service, within forty-five (45) days of the date of service(s) rendered.
16. All treatment must include a full cognitive based curriculum (excluding assessment, social detox, and drug abuse education services).
17. Fully participate in team meetings, revocation proceedings, and similar administrative functions as outlined in detail in the KSC Senate Bill 123 Alternative Sentencing Policy for drug offenders Implementation Manual and program policies implemented by the KSC and the KDOC.
18. Provide all results of UA collections to Community Corrections.

RESPONSIBILITIES OF COMMUNITY CORRECTIONS:

1. Authorize payment at the established rate of pay, per treatment modality, effective the date of placement up to the last date of service. There is no reimbursement for the day the client leaves. This rate of payment will not be changed without prior notice and renegotiations for purchase of service.
2. Provide payment authorization to the KSC within sixty (60) days of service(s) rendered.
3. Share plans, goals and other pertinent information concerning the client that is needed to provide appropriate treatment.
4. Participate in treatment and multi-disciplinary team meetings through course of treatment.
5. Provide thirty (30) days notice before removing the client when possible. No prior notice is required if removal is court ordered.
6. To provide regular reports regarding the progress of the offender under the terms of supervision.
7. Notify PROVIDER of all pending court actions and court determinations.
8. Provide all results of UA collections to Provider.

MODIFICATION:

This Agreement may be modified, amended or supplemented by written agreement signed by Community Corrections and the Provider.

TERMINATION:

This agreement may be canceled by either party with a thirty (30) day written notice. Any payment in arrears will be payable upon cancellation of this agreement when appropriate documentation has been completed and submitted (e.g., the SB 123 Summary of Assessment is required prior to payment for assessment services, the ASIs must be completed and up-to-date, etc.).

Authorized Treatment Provider Signature:	Date:	Phone # Fax #
Community Corrections Director Signature:	Date:	Phone # Fax#

Safeguarding of Client Information: The information contained on this form is confidential and not to be used or disclosed by any party, for any purpose that is not connected directly to the Court's assignment of sentence or the case management responsibilities assigned by law to Community Corrections or by court order. Treatment providers are required to maintain confidentiality consistent with the requirements of their state license.

DISTRIBUTION OF THIS DOCUMENT:

- Treatment Agency (PROVIDER) – Copy maintained on-site
- Community Corrections Agency of Supervision – Copy maintained on-site
- Copy forwarded to the Kansas Sentencing Commission

Qualified Service Organization Agreement

_____ (Name of Certified Treatment Provider ("Treatment Provider") and the Kansas Sentencing Commission ("KSC") hereby enter into a Qualified Service Organization Agreement (QSOA), for purposes of 2003 Senate Bill 123 ("2003 SB 123") program evaluation and bill payment for treatment services, whereby the Treatment Provider remits, as requested by the KSC, all records of the identity, diagnosis, prognosis, evaluations, reports, treatment and services maintained in connection with the performance of treatment services provided to offenders sentenced pursuant to Section 1 of 2003 SB 123 (K.S.A. 21-4729) and amendments thereto.

The Treatment Provider shall remit to the KSC, each individual offender's Addiction Severity Index (ASI) report (this includes the initial, discharge and outcome ASI) and SB 123 Summary Assessment Form.

The treatment provider agrees that all treatment services provided to offenders sentenced pursuant to Section 1 of 2003 SB 123 (K.S.A. 21-4729) and amendments thereto, are listed in the Provider Agreement between the Treatment Provider and _____ (Community Corrections Agency).

Protected health information (PHI) obtained pursuant to this QSOA will be used solely for the purposes defined above and will be limited to the necessary minimum information required to achieve those purposes. The KSC will use appropriate safeguards to prevent the use and disclosure of PHI. The identity of individual offenders will not be used or revealed in any publication or presentation of the results of this program evaluation or individually identified in any publication or presentation of the total cost for treatment services.

Furthermore, the KSC:

1. Acknowledges that in receiving, storing, processing, or otherwise dealing with any information from the treatment provider about the clients in the program, it is fully bound by the provisions of the federal regulations governing Confidentiality of Alcohol and Drug Abuse Patient Records, 42 C.F.R. Part 2; and

2. Undertakes to resist in judicial proceedings any effort to obtain access to information pertaining to clients otherwise than expressly provided for in the federal confidentiality regulation, 42 C.F.R. Part 2.

Executed this _____ day of _____, 20__.

_____	_____
Executive Director Kansas Sentencing Commission	Program Administrator Treatment Provider

Distribution:
- One copy remains with Certified Treatment Provider
- One copy remains with Kansas Sentencing Commission
  - *no invoices for services can be processed by the Sentencing Commission if this agreement is not in place*

2003 - SB123 Staffing Change Notification Form

Agency Name: _____

Primary Contact: _____
Name Title

_____
E-mail Address

Address: _____

Telephone: _____ **Fax:** _____

Staff Departures

Counselor Name	Effective date	ASI Certified	SASSI Certified	KDOC Certified

Staff Additions

Counselor Name	Effective date	ASI Certified	SASSI Certified	KDOC Certified

All certifications for new staff must accompany this document

_____ _____
Agency Signature Date KDOC Signature Date

ENTERED INTO TOADS: _____ DATE FILED: _____

Please forward document(s) to:
SB123 Staffing Change Notification
c/o Kansas Department of Corrections
Staff Skill Training Team
900 S.W. Jackson, Fourth Floor
Topeka, Kansas 66612
Telephone: (785)299-3317
Fax: (785) 296– 0759

Team Meeting Documentation Form

Client Name: _____ KDOC Number: _____
(Current Legal First Name/MI/Last Name) (KDOC Assigned)

Date of Team Mtg: _____

Provider:

Primary Provider: _____ Date of Admission: _____
(2003 SB 123 Provider)

Check Service(s) Receiving *Rate Level of Participation*

☐ Intermediate Residential -	☐ Very Satisfactory	☐ Satisfactory	☐ Needs Improvement
☐ Intensive Out-Patient -	☐ Very Satisfactory	☐ Satisfactory	☐ Needs Improvement
☐ Out-Patient -	☐ Very Satisfactory	☐ Satisfactory	☐ Needs Improvement
☐ Reintegration -	☐ Very Satisfactory	☐ Satisfactory	☐ Needs Improvement
☐ Relapse Prevention -	☐ Very Satisfactory	☐ Satisfactory	☐ Needs Improvement

Please comment regarding any rating of "Needs Improvement":

Positive Recovery Events to Report:

Negative Recovery Events to Report:

Comments of special consideration:

Supervising Community Corrections Agency:

ISO _____

Supervision Level *Rate Level of Performance relative to Supervision Conditions*

☐ Level I	☐ Very Satisfactory	☐ Satisfactory	☐ Needs Improvement
☐ Level II	☐ Very Satisfactory	☐ Satisfactory	☐ Needs Improvement
☐ Level III	☐ Very Satisfactory	☐ Satisfactory	☐ Needs Improvement
☐ Level IV	☐ Very Satisfactory	☐ Satisfactory	☐ Needs Improvement

Please comment regarding any rating of "Needs Improvement":

Positive Events to Report:

Negative Events to Report:

Comments of special consideration:

The SUPERVISING COMMUNITY CORRECTIONS AGENCY and THE PROVIDER AGREE that the date of Next Team Meeting for this Client: _____

Client Signature:	Date:	Phone #	Distribution: • One copy to Comm. Corr. for inclusion in offender file • One copy to Tx provider for inclusion in client file
Authorized Treatment Provider Signature:	Date:	Phone # Fax #	
Community Corrections ISO Signature:	Date:	Phone # Fax#	

KANSAS

KANSAS SENTENCING COMMISSION
Honorable Ernest L. Johnson, Chairman
Helen Pedigo, Executive Director

KATHLEEN SEBELIUS, GOVERNOR

2003 Senate Bill 123 Treatment Provider Agreement
(Insurance, Billing, Receipts and Payment for Services for Treatment and Assessment)

Provider's Name _____

Physical Address (street, city, state & zip) _____

_____

This Provider Agreement is between the Kansas Sentencing Commission and the Treatment Provider ("provider") listed above.

Purpose: To ensure that any and all insurance coverage is billed appropriately and that available funds are collected and submitted to the Kansas Sentencing Commission to offset state expenditures for Senate Bill 123 treatment.

The Provider's Role:

The provider must participate actively in the identification of insurance coverage for payment on behalf of the offender receiving treatment services under Senate Bill 123 (SB 123). At the time the provider obtains information from the offender, court services, or community corrections, the provider must also ask if insurance coverage exists. If insurance coverage exists, the insurance company must be identified on the Treatment Provider Monthly Insurance Report form (attached). The provider must also mark item number 21 (Insurance Pending) on the Invoice for Purchase of Service form. The provider must list all offenders under SB 123 to whom the provider has provided or is providing services to in this billing period or has received insurance payment for under Senate Bill 123 in this billing period on the Treatment Provider Monthly Insurance Report form. The Treatment Provider Monthly Insurance Report form shall be completed and sent to the Kansas Sentencing Commission (KSC) monthly. The provider must submit claims to each identified insurance company and identify the date on which the claim was submitted on the Treatment Provider Monthly Insurance Report form.

The contribution providers can make in identifying insurance coverage for SB 123 clients is significant. Providers have an obligation to report the existence of insurance to KSC and to the community corrections supervising officer. Cooperation is essential to the continued functioning of treatment provided under SB 123 and to assure prompt payment.

Providers shall not seek to collect any monies for treatment provided under SB 123 from offenders, any financially responsible relative or representative of the offender for pending services or services rendered. Two modalities provide exception to this statement:
(1) re-integration/halfway house (extended stay) where the offender is responsible for contributions to payment in excess of the state reimbursement cap. This modality has a cap of 37 dollars per day; and
(2) drug abuse education which is full offender pay. This modality has a cap of 100 dollars.

If an insurance company makes any payment to a provider after the KSC has made payment, the provider must notify and reimburse the KSC the full amount of payment by the insurance company within one month of receiving such payment by submission on the Treatment Provider Monthly Insurance Report form.

It is important that providers maintain adequate records of insurance recovery efforts for a period of time not less than five years.

TERMS AND REQUIREMENTS

1. Rules, Regulations, Policies

When an offender, court services, or community corrections officer has identified insurance coverage, providers must submit claims for services to the identified insurance company. If community corrections has not identified whether an offender has insurance coverage the provider shall ask the offender if they have medical and/or health insurance and identify this information on the Invoice for Purchase of Service form and the Treatment Provider Monthly Insurance Report form sent to KSC.

The provider agrees to participate in providing treatment to offenders sentenced under SB 123 and to comply with all applicable requirements for participation as set forth in the text of SB 123, SB 123 Alternative Sentencing Policy for Drug Offenders Implementation Manual (Manual) and program policies implemented by the KSC and the Kansas Department of Corrections (KDOC). The provider also agrees to comply with all state and federal laws and regulations applicable to services delivered and professional services.

The provider agrees that the Manual, revisions and program policies are incorporated by reference in this provider agreement and shall be read promptly.

The Manual makes available to the treatment providers informational and procedural material needed for the prompt and accurate filing of Invoice for Purchase of Service forms for services rendered to offenders under SB 123. The Manual is not a complete description of all aspects of the SB 123 program. Should a conflict occur between the Manual material, program policies or laws regarding SB 123, the latter takes precedence.

From time to time, program policies may change. The KSC will send the provider notification in the form of bulletins and revised Manual pages. Upon publication of those revised Manual pages, the provider agreement between providers and the KSC is amended by the most current material. It is important that all revisions be placed in the appropriate section of the Manual and obsolete pages removed when applicable. The provider may wish to keep obsolete Manual pages to resolve coverage questions for previous time periods. All versions will be dated and numbered.

2. Primary Insurance

The offender, court services or community corrections is the provider's first source of information concerning the availability of insurance for the SB 123 offender. In the event that insurance coverage is identified but payment for services required under SB 123 is denied, the provider shall request the insurance carrier to state in a letter that the specified service is not covered by their insurance company. The insurance carrier's letter must be on insurance company letterhead. No other documentation of denial of coverage is acceptable. A copy of the denial letter shall be submitted to KSC and a copy shall be shared with the community corrections supervising officer.

3. Record Keeping and Retention

The provider agrees that standardized definitions, accounting, statistics and reporting practices which are accepted widely in the provider field shall be followed. All records necessary to disclose fully the payments claimed and services rendered shall be maintained accurately in a manner which is retrievable for a period of not less than five years.

4. Access to Records, Privacy, Confidentiality, Security and Routine Review

The provider agrees that routine reviews may be conducted by the KSC, or its designee of services rendered and payments claimed for offenders under SB 123. During such reviews the provider is required to furnish records of services rendered and payments submitted to KSC on the Invoice for Purchase of Services forms. If these records are retained on a computer, a hard copy of the records must be made available when requested. Providers shall follow all applicable state and federal laws and regulations related to privacy, confidentiality and security.

A provider who receives a request from the KSC or its designee for access to or inspection of documents and records related to payment and reimbursements for services for offenders sentenced pursuant to SB 123 must comply promptly and reasonably with access to the records. A provider must not obstruct any audit, review or investigation, including relevant questioning of employees of the provider. The provider shall not charge a fee for retrieving and copying such documents and records related to compliance with reviews, audits, and complaint investigations.

5. Claims for Services Rendered
The provider agrees that the services listed on all Invoice for Purchase of Service forms are necessary for state payment for treatment of the offender pursuant to SB 123. Further, the provider agrees that these services are rendered personally by the provider or persons under the provider's personal direction and the charges for such services are just, unpaid at the time of the Invoice submission, and actually due. Further, the provider agrees that the information provided on the Invoice for Purchase of Service form is true, accurate and complete.

Providers shall not bill KSC for missed appointments. However, such offender behavior shall be communicated to the community corrections supervising officer immediately so appropriate supervision action may be taken. Missed appointments are not a distinct reimbursable service, but a part of the providers' overall cost of doing business.

6. Timely filing of claims
The provider agrees that all Invoice for Purchase of Service forms must be received by the Kansas Sentencing Commission's fiscal agent within sixty days (60) from the date services were provided.

7. Payment
The provider agrees to accept as payment in full the amount paid by the KSC in accordance with the agreement reached between the Community Corrections agency and the provider and is in the established cost caps for the treatment modality billed for treatment of the SB 123 offender. The provider shall send all insurance payments to KSC within one month of receiving payment from the insurance company.

The provider shall include with payment, the offender name, KDOC number, court case number and the county of the SB 123 conviction. If a payment received by a provider from an insurance company is for more than one client to whom the provider is providing services, the provider shall redact the non-SB 123 client(s) name(s) for confidentiality purposes and submit a copy of the letter from the insurance company which accompanied such insurance proceeds. The provider shall submit the entire payment from the insurance company for services to the SB 123 offender to KSC.

If a provider receives payment from an insurance company after KSC has made payment to the provider, the provider must reimburse the KSC the full amount paid by the insurance company for the specified offender. **The provider shall not combine and keep both payments nor shall the provider select to retain the insurance payment in lieu of payment by KSC.**

In the unlikely event a payment received from an insurance company is for an amount in excess of the amount billed or charged for services, KSC will return the excess amount to the insurance company. A copy of the letter indicating the amount of the return will be sent to the treatment provider for informational purposes.

8. Overpayment Errors
The provider agrees that in any event it received payment for services from KSC in an amount in excess of the payment designated on an Invoice for Purchase of Service form for an offender, the provider must notify and return the overpayment portion to KSC without delay. The provider cannot keep the overpayment and apply that amount to another offender's cost for treatment nor may the provider keep the overpayment and apply that amount to current or future cost for treatment for said offender or any other client.

9. Fraud
The provider understands that payment for treatment for services under SB 123 is made from state funds and that any false claims, statements or documents or concealment of a material fact may be prosecuted under applicable state law. The provider acknowledges that the submission of a false Invoice for Purchase of Service form, Treatment Provider Team Meeting Documentation Form, or other false information, charging KSC for services not performed, or giving or receiving a monetary incentive or bribe in relationship to treatment services for SB 123 offenders are crimes subject to prosecution under applicable federal and/or state law.

10. Termination
Failure to follow terms established under this agreement may result in KDOC withdrawing certification for treatment of SB 123 offenders.

11. Provider Standards
The provider agrees to comply with all state and federal laws, regulations, and professional standards applicable to services and professional activities provided to offenders sentenced to treatment under SB 123 and to those offenders being assessed for substance abuse needs under a potential SB 123 sentence.

12. Provider Agreement Term and Effective Date
This Provider Agreement shall be continuous and ongoing as long as the provider retains SB 123 treatment certification pursuant to KDOC polices.

Signature of the provider:

I certify by my signature, under penalty of perjury, that I am the individual named on page one of this Provider Agreement, or I am duly authorized by the person listed on the page one of this Provider Agreement, to bind such company, organization, or treatment provider to the terms of this Provider Agreement and that I have read and understood the Provider Agreement.

Provider signature:

By: _____

Title: _____

Date: _____

Acceptance by the Executive Director of the Kansas Sentencing Commission:

By: _____

Title: __Executive Director _____

Date: _____

Distribution:
- One copy remains with Certified Treatment Provider
- One copy remains with Kansas Sentencing Commission
  - *no invoices for services can be processed by the Sentencing Commission if this agreement is not in place*

Treatment Provider Monthly Insurance Report Form

Detailed Accounting of SB 123 Offenders

Treatment Provider Name: _____ Date: _____ Reporting Month: _____ (mm/yyyy)

Billing Address: _____

_____

_____

Service Location: _____
(If different than billing location)

Name of Preparer: _____

Telephone Number: _____

List all SB 123 offenders for whom you provide services whether or not they have insurance. Please indicate if insurance payment was received.

	1) Offender Name (Last, First)	**2) KDOC #**	**3) Court Case(s)**	**4) County**	**5) Does Offender have insurance/ Medicaid? *Please mark***		**6) If yes Name of Insurer**	**7) Date Insurance Paid or Date of Denial**	**8) Amount Paid or "Pending" or "Denied" Whichever applies**
					Yes	**No**		***If pending or denied please enter either "pending" or "denied" in the "amount paid" column.***	
1									
2									
3									
4									
5									
6									
7									
8									
9									
10									
11									
12									

1) Name of offender
2) Offender KDOC number
3) Court case(s) number(s)
4) County of conviction/sentencing
5) Indicate "yes" or "no" depending whether offender has or does not have insurance
6) Name of Insurance Company/ or Medicaid
7) Date insurance payment was received; or date notified of denial
8) Amount paid by insurer or write pending or denied as applicable

Please complete this form **each** month listing the SB 123 Offenders and their insurance status, and send to the Kansas Sentencing Commission.
If additional rows are needed just insert the additional rows or use a second sheet available at: www.kansas.gov/ksc/sb123/SB123TrtmtProviderMonthlyInsRptForm.doc

Kansas Sentencing Commission Monthly Insurance Form (revision 10/2007)

Drug Abuse Education Testing

Pre Test Date:	Pre Test Score:
Post Test Date:	Post Test Score:

OFFENDER INFORMATION		
Conviction Name (First, MI, Last):		KDOC No.:
Date of Birth (MM/DD/YYYY):	County of Conviction:	Court Case No.:

AUTHORIZED TREATMENT PROVIDER	COMMUNITY CORRECTIONS AGENCY
Provider Name:	District/Agency Name:
Street Address:	Street Address:
City / State / Zip:	City / State / Zip:
Test Administrator's Name: Phone No.: Fax No.:	ISO Name: Phone No.: Fax No.:
Test Administrator's Signature:	ISO Signature:

1. Drinking reduces both judgment and coordination.
   A. ☐ True B. ☐ Don't Know C. ☐ False

2. Research shows that students do not remember what they have learned when they are "high?".
   A. ☐ True B. ☐ Don't Know C. ☐ False

3. An individual using the same amount of a drug will have equal effects on different occasions.
   A. ☐ True B. ☐ Don't Know C. ☐ False

4. Alcohol and drugs reduce the oxygen (02) supply in the bloodstream, thus increasing the sensitivity of the eyes.
   A. ☐ True B. ☐ Don't Know C. ☐ False

5. Malnutrition, Skin disorders and Ulcers are all possible effects of long-term heavy use of amphetamines.
   A. ☐ True B. ☐ Don't Know C. ☐ False

6. Alcohol can lead to severe coma when mixed with other depressant drugs (downers).
   A. ☐ True B. ☐ Don't Know C. ☐ False

7. Drivers under the influence of marijuana tend to realize that their driving skills are decreased.
   A. ☐ True B. ☐ Don't Know C. ☐ False

8. Mandatory treatment for offenders convicted of felony drug possession is up to _____ months.
   A. ☐ 6 B. ☐ 12 C. ☐ 18 D. ☐ 24

9. Which of the following are typical physical effects of amphetamine use?
A. ☐ Decreased heart rate B. ☐ Increased blood pressure
C. ☐ Dilated pupils D. ☐ Decreased appetite

10. Nationally, 40-50% of all fatal vehicle accidents are alcohol-related.
A. ☐ True B. ☐ Don't Know C. ☐ False

11. A second conviction of DUI results in 90 days or up to one year of imprisonment and entry into a treatment program.
A. ☐ True B. ☐ Don't Know C. ☐ False

12. Valium and Xanax are stimulants (uppers).
A. ☐ True B. ☐ Don't Know C. ☐ False

13. Tolerance means increasing amounts of a drug are needed to get the same effect.
A. ☐ True B. ☐ Don't Know C. ☐ False

14. Where does drinking and driving rank as a cause of death for teenagers?
A. ☐ First B. ☐ Second C. ☐ Third D. ☐ Fourth

15. A fairly accurate determination of your Blood Alcohol Content (BAC) does not include which one of the following?
A. ☐ Your Blood Type B. ☐ How fast you drink
C. ☐ How much you drink D. ☐ Your weight

16. How many twelve (12) ounce cans of beer equals two mixed drinks with 1 1/2 ounces of hard liquor in each?
A. ☐ One B. ☐ Two C. ☐ Three D. ☐ Four

17. Which of the following is not an immediate physical effect of marijuana use?
A. ☐ Faster Heart Rate B. ☐ Bloodshot Eyes
C. ☐ Dry Mouth and Throat D. ☐ Decreased Pulse Rate

18. What is the Blood Alcohol Concentration (BAC) Level presumptive of legal intoxication in the state of Kansas?
A. ☐ .05% B. ☐ .08% C. ☐ .10% D. ☐ .15%

19. Alcohol is classified as a _____.
A. ☐ Hallucinogen B. ☐ Depressant
C. ☐ Stimulant D. ☐ Narcotic

20. What sobers up an intoxicated person?
A. ☐ Cold Shower B. ☐ Black Coffee
C. ☐ Traffic Ticket D. ☐ Time

21. An average five (5) ounce glass of wine is equal to how many twelve (12) ounce cans of beer?
A. ☐ One B. ☐ Two C. ☐ Three D. ☐ Four

22. Approximately _____% of the men and women behind bars are seriously involved with drug and alcohol abuse.
A. ☐ 20 B. ☐ 50 C. ☐ 80 D. ☐ 90

23. A first conviction under the drunken driving law in Kansas does not include which of the following?
A. ☐ 48 hours to 6 months in jail, or 100 hours of community service
B. ☐ Plea Bargaining
C. ☐ $500-$1000 fine
D. ☐ Completion of an ASAP education program or treatment

24. Cocaine is classified as a _____.
A. ☐ Hallucinogen
B. ☐ Depressant
C. ☐ Stimulant
D. ☐ Narcotic

25. Upon a third conviction for a drug possession charge after having participated in at least one prior 18 month treatment option, an offender may be sentenced to a mandatory prison term of up to _____ months.
A. ☐ 12
B. ☐ 15
C. ☐ 20
D. ☐ 24

Please indicate your Future Use or Non-Use for all four of the following drug categories.

1. Alcoholic beverages (beer, wine, liquor).
A. ☐ Will eventually use it close to daily.
B. ☐ Will use it about once a week.
C ☐ Will use it for one special occasion.
D. ☐ Might use it for one special occasion.
E. ☐ Might use it in the right situation.
F. ☐ Might try it to see what it is like.
G. ☐ Uncertain about using it.
H. ☐ Doubt that I would use it.
I. ☐ Absolutely certain will never use it.

2. Over-the-counter medications such as cold remedies, cough syrup, etc.
A. ☐ Will eventually use it close to daily.
B. ☐ Will use it about once a week.
C ☐ Will use it for one special occasion.
D. ☐ Might use it for one special occasion.
E. ☐ Might use it in the right situation.
F. ☐ Might try it to see what it is like.
G. ☐ Uncertain about using it.
H. ☐ Doubt that I would use it.
I. ☐ Absolutely certain will never use it.

3. Marijuana or hashish (weed, pot, dope, grass, reefer, joints).
A. ☐ Will eventually use it close to daily.
B. ☐ Will use it about once a week.
C ☐ Will use it for one special occasion.
D. ☐ Might use it for one special occasion.
E. ☐ Might use it in the right situation.
F. ☐ Might try it to see what it is like.
G. ☐ Uncertain about using it.
H. ☐ Doubt that I would use it.
I. ☐ Absolutely certain will never use it.

4. Other illegal drugs or medications in a non-prescribed manner.
   A. ☐ Will eventually use it close to daily.
   B. ☐ Will use it about once a week.
   C ☐ Will use it for one special occasion.
   D. ☐ Might use it for one special occasion.
   E. ☐ Might use it in the right situation.
   F. ☐ Might try it to see what it is like.
   G. ☐ Uncertain about using it.
   H. ☐ Doubt that I would use it.
   I. ☐ Absolutely certain will never use it.

Please indicate the extent to which you agree/disagree with the following statements.

5. Many alcoholics/addicts cannot stop drinking/using by personal willpower alone.
   A. ☐ Very strongly disagree
   B. ☐ Strongly disagree
   C. ☐ Moderately disagree
   D. ☐ Slightly disagree
   E. ☐ Uncertain
   F. ☐ Slightly agree
   G. ☐ Moderately agree
   H. ☐ Strongly agree
   I. ☐ Very strongly agree

6. I currently feel that my legal charge was appropriate.
   A. ☐ Very strongly disagree
   B. ☐ Strongly disagree
   C. ☐ Moderately disagree
   D. ☐ Slightly disagree
   E. ☐ Uncertain
   F. ☐ Slightly agree
   G. ☐ Moderately agree
   H. ☐ Strongly agree
   I. ☐ Very strongly agree

Distribution:
* One copy of completed & scored PreTest stapled to completed & scored Post Test to Kansas Sentencing Commission
* One copy of completed & scored PreTest stapled to completed & scored Post Test to ISO for maintenance in offender file
* One copy of completed & scored PreTest stapled to completed & scored Post Test maintained in client file at treatment agency.

CHAPTER IX: INTEGRATION PLAN FORMAT FOR TREATMENT PROVIDERS TO OBTAIN CERTIFICATION THROUGH KDOC

Instructions for
Senate Bill 123
Integration Plan Format

SECTION I – IDENTIFYING INFORMATION

1. **In the space provided enter the agency name, mailing address, telephone number:** Please identify the name of the agency as licensed by Social Rehabilitation Services. Include all contact information.

   Name and Email address of certified Thinking for a Change© Counselor(s) Likewise, include the mailing address, telephone number(s), name, and e-mail address of your Cognitive-behavioral Tool certified *counselor.* Please indicate the training location and dates your counselor(s) attended the Cognitive-behavioral Tool Certification training.

2. **Please identify which treatment modalities are being submitted for offered for the treatment of approval under Senate Bill 123 clients.** Modalities should be identified via the "Treatment Modalities and Cost Caps" document attached as it defines each modality by length and duration. It is important that the length and intensity of the treatment modality submitted for approval under Senate Bill 123 be described detailed here. *<In SECTION II you will need to indicate how the Cognitive- curriculum behavioral components as well as the Cognitive-Behavioral tools, (i.e., thinking reports and social learning theory) will be integrated into <u>each</u> requested treatment modality.>* Utilize as much or as little space as necessary.

NOTE: Agencies performing Assessments. Social Detoxification or drug education services only do NOT need to complete Items 2 & 4 of Section II.

SECTION II – Integration Plan Description

1. **Identify the cognitive curriculum.** Please remember that the curriculum identified must contain the following three elements; cognitive restructuring, cognitive social skills, and cognitive problem solving. Further it is expected that the curriculum identified make full use of tools such as thinking reports and social skills modeling. Agencies may submit integration plans that include curriculums and plans for the use a modified version of Thinking for a Change© but must depict the changes made and why. Furthermore, if an agency wishes to use a curriculum other than Thinking for a Change©, the integration plan should include a copy of the chosen curriculum in its entirety.

2. **Please identify when the agency will begin using the cognitive- based curriculum behavioral components/approaches/tools.** This item should be answered with a date. Also note any plans to utilize this curriculum approach with clients other than Senate Bill 123 clients. It should be clear whether or not these two populations will be in an integrated in treatment groups.

3. **Please discuss how the agency intends to ensure that cognitive based treatment Cognitive-Behavioral approaches are addressed in each Senate Bill 123 treatment plan.** Recall that treatment plans are created by both the treatment provider and the Community Corrections officer assigned to supervise the Senate Bill 123 client**.** At issue is how you will ensure your counselor who has received the Cognitive-behavioral Tool Certification training will have input to each SB 123 client's treatment plan.

4. **Please indicate the length and intensity of the cognitive treatment for <u>each</u> modality offering submitted for approval under treatment for Senate Bill 123 clients.** Provide by modality the length and intensity of service for each requested modality.

5. **Please indicate the length and intensity of the cognitive treatment for each modality offering treatment for Senate Bill 123 clients.** Identify how long the cognitive treatment will last. Also indicate the frequency and length of group sessions. It is permitted to have fluctuation in this component; however, that fluctuation will need to be identified. Please note that detoxification, assessments nor substance abuse education requires a cognitive element.

6. **For each treatment modality submitted for approval offered to under Senate Bill 123 clients, please provide a detailed plan or illustrate how the agency intends to incorporate the cognitive based Cognitive-Behavioral components/approaches/tools into treatment programming.** Give a detailed description of how the cognitive curriculum will look in addition to the existing treatment offered by the named agency. Be as specific as possible. The intent is to provide detailed description of how Cognitive-Behavioral components/approaches/tools **(see attached Checklist for the Integration of Cognitive-behavioral Tools)** will look integrated into the existing treatment offered by the named agency. Be sure to reflect the time frames identified within Section I item number two. Be as specific as possible and speak to each of the items addressed on the Checklist.

Agencies may submit integration plans that include curriculums utilizing all named components in a licensed program package. Agencies choosing to do so should include a copy of the chosen curriculum in its entirety.

DEFINITIONS:

<u>Treatment Modalities:</u> Defined by the "*Treatment Modalities and Cost Caps"* table. (Senate Bill 123 Operations Manual - Chapter 6, Pages 6-7)

<u>Cognitive-Behavioral Approach:</u> References the broad overall picture of the use of Cognitive-behavioral components (Cognitive Restructuring, Cognitive Social Skill Training, Cognitive Problem-Solving) when targeting behavior change.

<u>Cognitive-Behavioral Components:</u> Refers to Cognitive Restructuring, Cognitive Social Skill Training, Cognitive Problem-Solving. (Senate Bill 123 Operations Manual Chapter 5, Page 6)

<u>Cognitive-Behavioral Tools:</u> Thinking reports and Social Skill Modeling (Senate Bill 123 Operations Manual Chapter 5, Page 6), a complete checklist attached.

Please remember that any changes made to the submitted integration plan must be staffed with the Kansas Department of Corrections prior to being implemented.

For any questions regarding integration plans please contact one of the program consultants listed below:

Kevin Smith
Assistant Staff Development Manager
Phone: 785-291-3192
E-Mail: KevinS@kdoc.dc.state.ks.us

Melanie Scott
Staff Development Specialist
Phone: 785-296-4498
E-Mail: MelanieS@kdoc.dc.state.ks.us

Terrrell Brooks
Staff Development Specialist
Phone: 785-368-7251
E-Mail: TerrellB@kdoc.dc.state.ks.us

Gert Cozadd
Staff Development Specialist
Phone: 785-296-3998
E-Mail: GertC@kdoc.dc.state.ks.us

Mail all integration plans to:

Kansas Department of Corrections
c/o Kevin Smith
900 SW Jackson St., 4th Floor
Topeka, Kansas 66612

Plans may be submitted via fax to 785-296-0304 or email attachments to KevinS@kdoc.dc.state.ks.us

Upon receipt of Implementation Plan it is understood that any changes made to the submitted integration plan will be staffed with the Kansas Department of Corrections prior to being implemented.

Please indicate the training location and dates your counselor(s) attended Thinking for a Change© training.

Senate Bill 123
Integration Plan Format

SECTION I – Identifying Information

1. In the space provided enter the agency name, mailing address, telephone number:

Name and Email address of Cognitive-behavioral Tool certified counselor(s) (*Include the training location and dates your counselor(s attended the Cognitive-behavioral Tool Certification training)*

2. Using the "Treatment Modalities and Cost Caps" document attached, please identify each treatment modality requested for approval for Senate Bill 123 clients by the above named agency. Please include the current length and intensity of treatment offered within each modality requested.
(It is not necessary to utilize the entire space)

SECTION II – Integration Plan Description

1. **Please identify the name of the cognitive curriculum to be used to treat Senate Bill 123 clients.** ***If the curriculum used is something other than Thinking for a Change© a copy of the curriculum must be attached in its entirety to the final document to be submitted to the Kansas Department of Corrections.***

2. **Please indicate when and with whom the agency will begin using the cognitive- based curriculum behavioral components/approaches/tools.** Be as specific as possible. **Furthermore, indicate any clients other than Senate Bill 123 clientele who will be receiving the cognitive curriculum.**

3. **Please discuss how the agency intends to ensure that cognitive based treatment –behavioral approaches are addressed in each Senate Bill 123 treatment plan.** At issue is how you will ensure your counselor who has received Thinking for a Change training will have input to each SB 123 client's treatment plan.

4. **Please indicate the length and intensity of the cognitive treatment for <u>each</u> modality offering submitted for approval under treatment for Senate Bill 123 clients.**

5. **Please indicate the length and intensity of the cognitive treatment for <u>each</u> modality offering treatment for Senate Bill 123 clients.** Please note that detoxification, assessments nor substance abuse education requires a cognitive element.

6. **For <u>each</u> treatment modality submitted for approval offered to under Senate Bill 123, please provide a detailed plan or illustrate how the agency intends to incorporate the Cognitive-Behavioral components/approaches/tools into treatment programming.** Be as specific as possible and speak to each of the items addressed on the Checklist for the Integration of Cognitive-behavioral Tools.

7. Please list, by name(s), who will be conducting the SASSI III (if you are doing assessments) and include a copy of the counselor's SASSI training certificate(s).

8. Please list, by name(s), who will be conducting the ASI psych screen (if you are doing assessments) and include a copy of the counselor's ASI training certificate(s).

9. Please list, by name(s) who will be conducting the ASI and include copy of ASI training certificate(s).

(Attachments)

Approved Treatment Modalities and Cost Caps

Modality	Cost Cap	Minimum Service Components
SB 123 DAAP	$200 per assessment (one assessment per SB 123 court case)	DAAP includes: * SASSI III, with SASSI probability * Psychiatric Status portion of ASI * Clinical Interview for social history * SB 123 Assessment Summary form (Chapter VIII) (All submitted to KSC along with Invoice for this service) Other Components: * Team meeting * Initial treatment recommendations
Social Detox	$200 per day	24 hours/day 7 days/week – average stay 3 days Medical staff on sight monitors vital stats
Therapeutic Community	$150 per day	Cognitive behavioral based 24 hours/day; 7 days/week Residential ASI – 1st through 3rd as required ** If offender is engaged in inpatient treatment, a minimum of one group family session per each 30 days of inpatient treatment is required and is NOT billable as a separate item. This applies when the family is able, willing, and available to participate in the offender's recovery process.*
Intermediate/ Residential	$180 per day	Cognitive behavioral based 24 hours/day; 7 days/week ** NOTE: offenders do NOT leave intermediate residential facilities for employment, education, or other similar reasons.* Treatment can range from 7-40 days in length. Those offenders sentenced on or after July 1, 2015 are subject to a treatment range from 7-21 days in length. Under no circumstances will payment be made for intermediate/residential services beyond 90 days. Structured clinical program meeting ASAM specifications. Includes Group and Individual counseling, at a minimum up to 10 hours per day. ASI – 1st through 3rd as required ** If offender is engaged in inpatient treatment, a minimum of one group family session per each 30 days of inpatient treatment is required and is NOT billable as a separate item. This applies when the family is able, willing, and available to participate in the offender's recovery process.*
Intensive Outpatient	$40 per hour	Cognitive behavioral based 10 (minimum) -15 hours of direct clinical services with a certified counselor per week The program shall have a minimum of ten hours per week of scheduled, structured group, individual, and/or family counseling for each individual client. 2-7 weeks in length ASI – 1st through 3rd as required

Modality	Cost Cap	Minimum Service Components
Outpatient Individual	$80 per hour	Reinforces cognitive behavioral based concepts and tools 1-3 hours per week with counselor as needed ASI – 1st through 3rd as required
Group	$25 per hour	Cognitive behavioral based 1-8 hours of services per week; 8-12 weeks in length ASI – Initial and follow-ups as required
Family	$75 per hour	Reinforces cognitive behavioral based concepts and tools 1 hour per week; 8-12 weeks in length ASI – Initial and follow-ups as required ** If offender is engaged in inpatient treatment, a minimum of one group family session per each 30 days of inpatient treatment is required and is NOT billable as a separate item. This applies when the family is able, willing, and available to participate in the offender's recovery process.*
Re-integration	$37 per day plus offender co-pay	Cognitive behavioral based Minimum of 10 hours of structured clinical activity per week – which shall include at a minimum of three hours of scheduled, structured individual, group or family outpatient services. Offenders are expected to be employed or actively seeking employment during their reintegration engagement. Frequently follows an inpatient modality as a "step-down" modality. ASI – 1st through 3rd as required
Relapse Prevention /Continuing Care	$25 per session for either group or individual	Cognitive behavioral based Sessions to occur subsequent to successful completion of another, higher intensity treatment modality. Serves as a follow-up and emphasis of cognitive behavioral tools and skills obtained in another treatment modality by providing relapse prevention planning, follow-through, and action plan development to handle potential relapse events so as to maintain a lifestyle free from drug usage. Exact number of sessions will be determined by the individual offender's need. Only 1 session per day is billable. ASI – 2nd and 3rd as required
3rd (Outcome or 6-mon. Follow-Up ASI	$100 – offender pay	Completed six months after final discharge from SB 123 treatment program by the last treatment provider who delivered services to the offender
Drug Abuse Education	$100 – offender pay	Set, standard 8 hour curriculum (see Chapter V) Pre and Post test required (see Chapter VII) KDOC Certification of providers not needed, due to short duration of this treatment modality and its set curriculum.

Check-list for the Integration of the Cognitive-Behavioral Tools

I. Concepts of the Social Cognitive Theory

Program emphasizes the principles of social cognition theory;

Program operates from the notion that human behavior is explained in terms of continuous reciprocal interaction between cognitive, behavioral and environmental influences. {Group Observation/Treatment Outline}

- Program exhibits the belief that the most intense observable learning occurs early in life but people have the ability to continue to learn and change as a lifelong trait.
- Program exhibits the belief that individuals are more likely to adopt a modeled behavior if it is modeled by those with whom they identify, is congruent with beliefs/values they hold, and results in outcomes they value
- Program participants learn from observation and modeling of behaviors, attitudes and emotional responses from other people.
- Program participants experience facilitated and reinforced behavior change through response consequences (i.e., rewards/punishments).

A) Cognitive Restructuring

Exposure to the principle;

- Program participants receive instructional training regarding the relationship between their thoughts, feelings, attitudes, beliefs and behavior. {Group Observation/Treatment Outline}
- Program participants understand the relationship of the above stated cognitions to substance using behavior. {Group Observation/Treatment Outline}
- Program participants identify risk in the cognitions supportive of substance using behavior. {Group Observation/Treatment Outline}
- Program participants develop alternative cognitions and predict future behavior outcomes. {Group Observation/Documentation}

B) Demonstration of the Skill Set

Evidence that there is transference and application of the skills;

- Program participants engage in exercises applying Cognitive Restructuring outside of the group process. {Group Observation/Documentation}

Identification of a cognitive tool(s);

- Program participants utilize a specific instrument/form for the documentation of Cognitive Restructuring. {Documentation/Treatment Outline}

Demonstration of the skill set

- Program participants are able to demonstrate the skills acquired in Cognitive Restructuring component as relevant to their substance using behavior. {Group Observation}

II. Interpersonal Communication Skill Training

Program emphasizes the principles of Structured Learning Theory;

Program participants experience interpersonal communication skill development based upon the principles of structured learning theory.

A) Methodological Assessment Design

- Program participants are assessed/evaluated regarding interpersonal communication skill deficiencies and/or skill sets supportive of substance using behavior. {Documentation/Treatment Outline}
- Program participants receive skill development pertinent to the identified need of the individual/group.
  {Documentation/Treatment Outline}

B) Modeling

- Program participants receive explanation of the skill being taught {Group Observation/Treatment Outline}
- Program participants observe a planned model of the skill being taught. {Group Observation/Treatment Outline}
- Program participants are provided opportunity for discussion of the model. {Group Observation/Treatment Outline}

C) Role-Play

- Program participants brainstorm a real life situation in which they could utilize the skill being taught {Group Observation/Treatment Outline}
- Program participants make the situation as close to reality as possible (e.g., choosing persons that most resemble those in the situation, setting up the physical scene to match that of the situation described, etc.) {Group Observation/Treatment Outline}
- Program participants are coached through the role-play to ensure successful completion of the skill application {Group Observation/Treatment Outline}

D) Feedback

- Program participants receive constructive feedback from co-actor specific to the impact of the skill upon the situation from their role's perspective {Group Observation/Treatment Outline}
- Program participants receive constructive feedback from all other group participants specific to skill acquisition {Group Observation/Treatment Outline}
- Program participants are provided opportunity to provide feedback to the group regarding the utilization of the skill in their situation {Group Observation/Treatment Outline}

E) Skill Transference

- Program participants receive "homework" requiring use of skill outside group {Group Observation/Treatment Outline/Documentation}
- Program participants report back on the use of the skill via the homework assignment {Group Observation/Treatment Outline/Documentation}

III. Cognitive Problem Solving

Program provides problem solving skills training;

Program participants are provided a general strategy for dealing with problems arising from daily life, emphasizing the context of relapse prevention.

A) Defining the problem

- Program participants receive specific instructions on identifying the problem enabling the generation of a variety of solutions {Group Observation/Treatment Outline}
- Program participants receive prompting and shaping from both the group and the facilitator {Group Observation/Treatment Outline}

B) Goal Setting

- Program participants set goals specific to the problem identified {Group Observation/Treatment Outline}
- Program participants generate goal statements that are reaction focused (i.e., goals that are aimed at changing one's emotional, cognitive and overt behavioral reactions to the problem situation) {Group Observation/Treatment Outline}

C) Choices and Consequences

- Program participants identify a variety of solutions for the given problem as well as identify any possible consequences for oneself and for others involved {Group Observation/Treatment Outline}
- Program participants identify choices and consequences via a brainstorm (a process in which any possible solution is entertained) {Group Observation/Treatment Outline}

D) Choose, Implement and Evaluate the Solution

- Program participants identify a solution from the list generated via the brainstorm (the participants must choose their own solution, others may provide opinion but the choice rests solely with the participant) {Group Observation/Treatment Outline}
- Program participants develop a detailed plan for implementing the chosen solution {Group Observation/Treatment Outline/Documentation}
- Program participants evaluate the chosen solution with respect to the goal identified (should the chosen solution not achieve the identified goal participants are instructed to return to list of solutions and repeat this phase) {Group Observation/Treatment Outline/Documentation}

IV. Reflective Communication

Programs adhere to a trans-theoretical model and are characterized by reflective communication skills (e.g., motivational interviewing)

Program staff interact with program participants in a manner which promotes internal motivation for behavior change.

A) Trans-theoretical Model

- Program emphasizes multiple mechanisms for change (i.e., consciousness raising, social liberation, emotional arousal, self-reevaluation, countering, environmental control, reward, and helping relationships). {Group Observation/Treatment Outline}

B) Reflective Communication

- Program staff acknowledges resistance to behavior change is a shared problem between program staff and program participants. {Group Observation}
- Program utilizes respectful, objective communication with program participants {Group Observation}
- Program staff refrain from imposing personal value system; i.e., communicating solely with the desire and intent to understand. {Group Observation}