

Honorable Senators Hoffman and Abeler, Committee Members:

I am writing in support of SF1827 which would allow individuals with DWI charges and convictions who are income eligible for MA or for the Minnesota Behavioral Health Fund to access those resources to pay for their chemical health assessment.

My name is Lance Egley and I have worked for four years with Senators Abeler and Hoffman, perhaps other members on this Committee, on Paperwork Reduction and Systems Improvement. One desirable goal of Systems Improvement is to make treatment more accessible to Minnesotans with Substance Use Disorders (SUD) who need treatment.

The Comprehensive Assessment (CA) is the doorway to accessing these funds, not only for the assessment, but also for the treatment itself. It makes no sense to charge Minnesotans who need treatment that is evidenced by a DWI for an assessment that would be paid for for them had they identified the possible need for treatment in any other manner. Initially, this causes the person charged with a DWI to delay or try to avoid the assessment, thus for many of them, delaying the start of much needed treatment. Worse than that though, some Counties, such as Beltrami County where I live, have taken this law as a reason to deny eligibility for MA/ Behavioral Health Fund resources. This causes further delay even in the funding for treatment, which the existing law to be amended here does not restrict for DWI offenders.

The current statute does allow the judge to make exception to this requirement that the DWI defendant pay for an assessment out of pocket in the case of “indigency” and special hardship to the family of the defendant. However, the system by which a judge determines indigence is cumbersome, time consuming, and may use different standards from the income standards already clearly set out in law for Medical Assistance (MA) and for the Minnesota Behavioral Health Fund (BHF). As a result judges seldom explore this option and, except for clients who have a very skilled lawyer who is familiar with both this law and the laws of indigence, is not likely to be used much in practice. Further, the judge’s “income” and “hardship” criteria may be quite inconsistent with existing MA and BHF limits.

While punishment may sometimes be appropriate, the Court has other tools, such as fines, with which it can implement that purpose. Punishment should never appear as a barrier to accessing the assessment and treatment a Minnesotan may need in order to obey the law in the future, to recover a desirable lifestyle, and to protect others around the individual both from their bad driving practices while intoxicated and from other harms to which SUD may lead.

Please remove this barrier to treatment by pass SF1827.

Yours,

Lance Egley, Ph.D., L.A.D.C., L.I.C.S.W., C.A.D.C. III