

Administrative Office of the Courts

Supreme Court of New Mexico

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TO: NM Problem Solving Court Judges and Coordinators

FROM: Robert Mitchell

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RE: COVID-19 Considerations for New Mexico Problem Solving Courts #3

*Standing Reminder: These considerations are **supplemental** to NM Supreme Court and local judicial district guidance.*

GENERAL

- First, thank you for being proactive and productive during this time. I appreciate working with professionals who are so engaged in the wellbeing of their participants and programs.
- Keep in mind that the response is to *slow the transmission*; the virus **will** be transmitted and people **will** get sick.
- Recent recommendations include not meeting in groups larger than 10. This could have an impact on our problem solving court dockets and operations.
- Everyone needs to be thinking about contingency plans for various responses and guidance from the CDC, NMDOH, NM Supreme Court, and local judicial district.
- Communicating your plan:
 - How you message your plan to participants and professional team members is important.
 - Make sure you communicate as clearly as possible and convey hope, motivation, and encouragement where you can.
 - Make sure participants and multidisciplinary team members know about any court closures and/or program changes you initiate.
 - In addition to your other outlets, such as text or phone, consider using a social media platform to distribute this information.

PARTICIPANTS

- Keep in mind that our problem solving court participants are generally considered a higher risk groups. This is what the National Institute on Drug Abuse (NIDA) says about this:
 - "Because it attacks the lungs, the coronavirus that causes COVID-19 could be an especially serious threat to those who smoke tobacco or marijuana or who vape. People with opioid use disorder (OUD) and methamphetamine use disorder may also be vulnerable due to those drugs' effects on respiratory and pulmonary health. Additionally, individuals with a substance use disorder are more likely to experience homelessness or incarceration than those in the general population, and these circumstances pose unique challenges regarding transmission of the virus that causes COVID-19. All these possibilities should be a focus of active surveillance as we work to understand this emerging health threat."

Source: <https://www.drugabuse.gov/about-nida/noras-blog/2020/03/covid-19-potential-implications-individuals-substance-use-disorders> [drugabuse.gov]

- SAMHSA is expected to (or already has moved to) allow prescribers to provide a month's supply of MAT. This will assist patients using MAT, but could create additional concerns related to overdose and diversion. Do your OUD participants have Naloxone? Do you have a way to stay in touch with them? Do they have your number so they can contact you?

PROGRAMMING & PARTICIPANT CONTACT

- New Admissions:
 - Consider suspending based on what your court is doing with sentencing.
 - Keep in mind that assessments may be difficult due to limited in-person availability and telehealth access limits.
 - Continue ongoing discussions with treatment providers to ensure that you are aware of changes to their operations and they are aware of any change to court services.
- Drug Testing:
 - Consider whether this is worth the risk in light of the social distancing recommendations. Could a sweat patch be used? Are there electronic means that could be used for alcohol monitoring?
 - Is there an increase in text and/or phone contact to provide support and surveillance?
 - Consider substituting on-site alcohol breath testing with an electronic substitute.
- Telephone / Telehealth Therapy (FYI: at least one NM provider is holding MRT over the phone one-on-one)
 - The therapeutic relationship is very important at this point - participants will need extra supports during these times
 - Keep in mind that treatment providers have a general ethical interest in continuing to provide critical services to avoid patient abandonment. Working with your provider to ensure appropriate and necessary contact is important. The AOC-PSC Dept is following up with various funding source representatives to clarify if and how reimbursement will take place.
 - General contract information: Amendments for providing services via telehealth are not necessary, particularly if you receive verbal agreement from the contractor that they can proceed to perform the work using remote alternatives. Keep records of your conversations.
 - If your treatment provider is reimbursed with **AOC Supplemental Funds**, you are authorized to allow telehealth services during the pandemic response.
 - If your provider is reimbursed by **Medicaid**, you should encourage your provider agencies to contact the utilization review department of their insurers / MCO contacts directly to see if there are specific changes that impact their utilization review process.
 - Some counties provide treatment services utilizing grant funding dollars so they are not impacted by insurance billing constraints.
- Surveillance & Support Contacts
 - Use the telephone and text
 - It may be helpful to keep your standing meeting times with your participants (and let them know you will be increasing communication so you can stay in touch while other services are not happening).
 - Text encouraging messages from the coordinator and judge (and other team members as appropriate).
 - Keep the texts in case you need them for future documentation.
 - Suspend field work or limit the checks to "curbside" contact where appropriate social distancing is maintained (maybe have the participant step out so you can see each other) - if you need an extended conversation, have the participant call on the phone
- Online Support & Telehealth Services
 - Alcoholics Anonymous Online Intergroup: <https://www.aa-intergroup.org/> (participants should be able to have proof of attendance emailed to them)
 - SMART Recovery: <https://www.smartrecovery.org/>

- Consider life-skills workbooks and other homework participants can do at their residence. Maybe they can create a daily “journal” of family activities and other positive ways their time was spent.
- Consider cancelling the problem-solving court docket or limiting it to only certain team members (such as the judge and coordinator), if there are no loss-of-liberty sanctions being considered, or consider focusing court on certain phases of participants to stay below the 10-person group limit.
- Consider continuing with staffing via telephone even if the court docket is not in effect.
- Consider eliminating program fees – this is a particularly difficult time financially for most everyone, and especially an already under-resourced population.
- Confidentiality Considerations & Reminders:
 - Social media is not secure and people in your program should not be identified.
 - Texts may be read by others - be careful what you send.
 - Common, public-use video chats are not secure
 - Just because you have a secure connection for HIPAA-HITECH Act purposes, you do not automatically meet the conditions of 42 CFR because you cannot ensure who is hearing the conversation on the participant’s end.
- Google Meets: According to our Chief Technology Officer, Dick Wilkinson, Google Meets is very secure and encrypted end to end. If you are not logged in on the call or video, you can't infiltrate the content at all.
- Advancement and Graduation: There is no right answer here, but it is probably in the best interest of both the program and the participant to put everything on hold so you can celebrate the progression together after it is confirmed that everyone has weathered this pandemic storm. You could put some extra thought into how to make your celebrations more significant when you are able to get everyone in the same room.
- Avoid using jail (although this is generally how problem solving courts operate) – this will help lighten the burden on the jail facilities and could help protect your participants.
- Recognize that community service options may be limited or completely unavailable and may require participants to break the social distancing recommendations - it may be better to suspend community service requirements.

WORKING FROM HOME:

- State-initiated meetings and training via Google Meets (requires computer access at home) – for all coordinators or by court type
 - Coordinators’ *Trajectory* meeting standing agenda items, such as case autopsies, program operations discussion, etc.
 - *Common Strengths and Struggles Identified through the Certification Process*
 - *DIMS Introduction*
 - More to be determined – you will receive an invite with a link to Google Meets as these meetings and trainings are scheduled
- Online Training
 - Treatment Courts Online: <http://treatmentcourts.org/>
 - National Drug Court Institute <https://www.ndci.org/resource/training/e-learning/>
 - Understanding Assisted Outpatient Treatment: <https://www.youtube.com/watch?v=AZdypKoEyCI&feature=youtu.be>
 - Sign Up for GAINS Center webinars: <https://app.e2ma.net/app2/audience/signup/1819583/1776550.118246310/>
 - Comprehensive Opioid, Stimulant and Substance Abuse Program (COAP): Webinars: <https://www.cossapresources.org/Media?format=Webinar>
 - National Drug Court Resource Center (NDCRC)
- Resources to Read & Review:

- Many resources or links will be available soon at <https://pscourts.nmcourts.gov/resources.aspx> Currently, the *NM Drug Court Standards* are posted.
- National Drug Court Resource Center: <https://ndcrc.org/practical-resources/>
- National Drug Court Institute: <https://www.ndci.org/resource/>
- How To Successfully Work From Home, Manage A Remote Team And More (Forbes Special Edition) <https://mail.google.com/mail/u/0/?pli=1#search/forbe/WhctKJVqqrMlbtCVFRNrWGHmLQGwlzwdKqtsmDBZBhnlnBbzTxbCfKTbHQkVmkwbtfRPrFL>

SELF-CARE:

- Take breaks as needed
- Limit your frequency in accessing media for public health updates if you are experiencing anxiety
- Utilize EAP services if you find yourself experiencing increased anxiety, depression, etc...
- Connect with your support network as needed
- **Reach out to the AOC PSC team for additional support or resource ideas** (I included my number with Scott's below)
 - Rob Mitchell mobile 505-695-5453
 - Scott Patterson mobile 505-818-8412

RECENT MESSAGE FROM THE GOVERNOR'S OFFICE

SANTA FE – Many New Mexicans are asking how they can help during the COVID-19 pandemic. Here are some suggestions from Gov. Michelle Lujan Grisham and state agency leaders involved in minimizing spread of the virus:

Keep your distance. Social distancing is the single most important contribution anyone can make. It prevents sick people from coming in close contact with healthy people to reduce opportunities for disease transmission. It includes large-scale measures like canceling group events or closing public spaces as well as individual decisions such as avoiding crowds. Social distancing slows the outbreak, reduces the chance of infection among high-risk populations and reduces the burden on the health-care system. In other words, social distancing is an act of solidarity meant to protect not just you but the entire community.

“The difference between the best-case and worst-case scenarios for this virus is what the people of New Mexico do with the direction they’re getting,” said Human Services Secretary Dr. David Scrase. “If they are willing to stay home as much as possible and practice social distancing when they can’t; if they’re willing to wash hands regularly with soap and water or sanitizer, then we’ll have a best-case scenario.”

Buy local. This is a difficult time for all New Mexico businesses as foot traffic slows and sales drop. Help those businesses by finding creative new ways to support them. Order takeout from local restaurants. Purchase gift cards from local businesses. Order from local stores online if you can.

Make an appointment to donate blood. While blood infusions are not routine treatment for COVID-19, they are essential to treating trauma and cancer, among other things. Healthy people are therefore urged to call their local blood bank and make an appointment to donate in a one-on-one setting. Here is a list of New Mexico blood banks, including phone numbers. Blood banks already follow procedures to keep both the donor and transfusions safe. “As events are canceled and travel restrictions are imposed, we need to ensure that healthy donors continue to donate blood,” said Heidi Chase, donor recruiter for Vitalant, a blood bank in Albuquerque.

Volunteer. To find out how to volunteer, call the state’s general information hotline, 1-833-551-0518, and press 8.

Volunteer to help the elderly. Assist the New Mexico Aging and Long-Term Services Department in providing food and services to New Mexico seniors. Email ALTSD-Volunteers@state.nm.us with the subject Line: READY TO HELP. In the email, identify the city/town you reside in and your phone number. The agency will then respond with more information.

“A lot of community members are reaching out, saying they wish to volunteer – which we are so grateful for. But we do need to utilize volunteer support in the safest way possible. The materials volunteers may be charged with delivering need to be handled with safety protocols in place so that those in need are not in any way put at risk,” ALTSD Secretary Katrina Hotrum Lopez said.

Check on vulnerable acquaintances. Help a neighbor or acquaintance who may have to self-isolate or quarantine, especially elderly people, people with disabilities or long-term health conditions, and those who do not have family nearby. Help could involve running errands, making phone calls or just providing a friendly voice of reassurance.

Buy only what you need at the store; don't hoard. As the country hunkers down against the novel coronavirus, some people are getting panicky and buying more of essential products and shelf-stable foods. Hoarding huge supplies of high-demand items like toilet paper and hand sanitizer could leave others without. Plan to shop once a week, and buy only what you need for that period.

“I know that people must go out and get groceries. When you do that, please think about your neighbors, your elderly family members and only buy what you need,” Gov. Michelle Lujan Grisham said.

Donate supplies. Homeless shelters still need supplies, especially toilet paper and cleaning products. Consider donating those items to a shelter near you, or call to see what other items may be needed. Here is a list of New Mexico shelters, organized by community.

Donate food. New Mexico food banks report they are having trouble keeping their shelves stocked due to increased demand for assistance and competing orders to distributors from other large buyers. So consider taking a box of non-perishable food to a food bank near you. Here is a list of New Mexico food banks.

Self care. You're doing everything you can to protect yourself, your family and your community from COVID-19, so relax. Stressing over what might happen does no good and can actually reduce your immune system's ability to fight off antigens, making you more susceptible to infection. Instead, focus on eating healthfully, staying hydrated, getting some exercise (jumping jacks or situps don't require a gym), practicing relaxation techniques and staying in touch with friends and family via non-face-to-face options like FaceTime.