

ADVOCATES FOR RESPONSIBLE TREATMENT

<http://www.responsible-treatment.org>

San Juan Capistrano, CA 92675

949-637-2570

info@responsible-treatment.org

April 9, 2017

Mr. Reyes Diaz, Consultant
Senate Health Committee
State Capitol, Room 2191
Sacramento, CA 95814

SB 902 (Bates)
SUPPORT
Senate Health Committee
Hearing Date: April 18, 2018

Dear Mr. Diaz,

Advocates for Responsible Treatment, is an all-volunteer, citizens' advocacy group covering Southern California which wishes to ensure recovery businesses operate in a safe, humane and legal manner. We look for win-wins for both recovering addicts AND neighbors. We are writing today in **SUPPORT of SB 902 (Bates)**.

SB 902 is possibly the single most important legislation offered by a State Senator in this legislative session to address issues in the addiction treatment industry. Why? Because California's ridiculously low hurdles for employment in the for-profit, addiction treatment business have led to it become a cesspool of criminals. Senators have no further to look than their own reports from FIVE YEARS AGO, written by the California Senate Office of Oversight and Outcomes, "Rogue Rehabs: State failed to police drug and alcohol homes, with deadly results," dated 9/4/12, and "Suspect Treatment: State's lack of scrutiny allows unscreened sex offenders and unethical counselors to treat addicts," dated 5/13/13. That the Legislature has taken this long to offer fingerprinting legislation is a far greater sign of stigma against recovering addicts than any municipal legislation industry that rights groups claim to be stigmatizing.

The industry is highly aware of criminals in its midst. Here is a long list of recent titles of articles written BY members of the addiction treatment industry decrying illegal activity:

The Scams & Corruption of the Addiction Industry Explained (3/3/18)

Legislating Addiction (1/25/18)

Ethics 101 (9/11/17)

Treatment Center CEO Offers Potential Solutions To Drug Rehab Fraud (8/17/17)

Some Addiction Practices are Making Me Sick (3/13/17)

The Underbelly of Addiction Treatment: A look at the Unethical and Illegal Practices of "Saving Lives" (3/6/17)

Ethics Survey: Behavioral health leaders examine industry conduct (3/1/17)

Enough is Enough: Reform the Rehab and Sober Living Industry in 2017 (2/17/17)

Can Our Addiction Treatment Industry Withstand a "Fearless and Searching Moral Inventory" of Our Business Practices?

Are Arizona Addicts for Sale? (8/9/16)

The Rehab Industry Needs to Clean Up Its Act. Here's How (2/16/16)



Still, some of the purported unethical activities seem pretty tame compared to others. For example, insurance fraud in California is tracking with that in Florida, where a Grand Jury and Task Force are presently bringing criminals to justice:

In Pursuit of Liquid Gold (1/3/18)

Cali Rehab Centers Are in Need of Stricter Regulations (12/21/17)

How a multimillion-dollar empire built around urine drug tests exposes flaws in California's rehab laws (12/17/17)

Hundreds ensnared in Justice Department health-care fraud crackdown on \$1.3 billion false billings (7/13/17)

With FBI knocking, Sovereign Health rehab defends practices some say puts profits ahead of health (7/7/17)

2 Newport Beach doctors among six people charged in \$22-million fraud scheme tied to sober-living homes (5/23/17)

Chris Bathum, aka the Rehab Mogul, Arrested on Multiple Charges (11/14/16)

United Healthcare names labs, treatment centers in federal fraud case (5/2/16)

The FBI is still investigating Sovereign Health, and other providers.

Former MDs, people with PhDs and outright impostors, found to be advertising as or posing as medical doctors in order to provide an aura of medical treatment that is not being provided, have been reported to DHCS. Ernest Carlsen, an MD who relinquished his license after being accused by multiple women of predation in his mammography practice, is a co-owner in the largest, licensed treatment center in San Juan Capistrano.

But most importantly, the very people who this industry is proposing it helps have suffered at the hands of the people who were pretending to help them:

Porn Star is Found Dead in Rehab: fifth adult film actress to die in 3 months (1/20/18)

Quest for sobriety often ends in sexual assault at some rehabs in Southern California (1/19/18)

Rehab Riviera: Industry struggling to get clean (12/29/17)

Rehab Owners Who Lost License Amid Shocking Allegations Deny Charges, Get Back to Business (12/6/17)

Man Charged With Murder in Death of Alcohol Rehab Resident (7/18/17)

"Rehab mogul" accused of sexually assaulting patients and "elaborate" fraud (11/11/16)

Sex assaults on kids gets sober-living resident 250 years in prison (6/3/16)

Women Tell Story of How Sober Living Minister First Saved Them, Then Sexually Abused Them (5/8/14)

THR Investigation: 2 Deaths at an A-List Hollywood Rehab (8/8/13)

Unfortunately, we cannot even begin to count all the people who have been abused because the state is doing a terrible job ensuring that recovering addicts know their rights, know how to file complaints, and then investigating those complaints. Many of the worst types of complaints have been filed in Orange County Superior Court, including one in which a treatment center did not give an addict his anti-depressants when he departed the facility; subsequently, he jumped off the top of a parking lot. We can provide the Senate with copies of court cases involving criminal negligence, abuse, elder abuse, sexual assault and wrongful death.

SB 902 appropriately targets owners, operators, staff and consultants--including unscrupulous MDs and former MDs--of licensed treatment centers for criminal background checks. This is important because the evidence above shows that people in many different roles may be

associated with crime, whether it is the bookkeeper engaged in fraud or the owner urging relapse by providing drugs or the "therapist" grooming a target for sex. As well, the bill provides appropriate safety valves, discounting former felonies that might have taken place more than five years ago and offering the opportunity for applicants to appeal the decision that precludes their hiring. Thus, it gives an "out" for those who might be accused of felony drug possession in the past, which today might be only a misdemeanor, and fairly opens the opportunity for those who have left their criminal past behind to become gainfully employed.

At the same time, the SB 902 makes paramount the safety of recovering addicts. It attempts to prevent actively-using addicts or recently-using addicts in the court system from employment in connection with recovering addicts whose addictions could be triggered by an addict in a role of authority. The bill recognizes that those coping with recent recovery are in need of role models who are stable, have moved through short-term recovery, and moved on from active addiction, who are not just clinging to a life in the addiction treatment industry as the solution to their own recovery.

This bill provides recovering addicts the basic rights to protection from abuse that are offered to other protected classes of adults under the Community Care. These rights are justly deserved and long overdue because actively recovering addicts are also highly vulnerable adults.

SB 902 would be an important start in an area of addiction treatment that needs a massive overhaul. **We support SB 902 (Bates) and urge you to vote "AYE." We have sent copies of this letter to the entire Senate Health Committee.**

Sincerely,



Laurie Girand
Steering Committee Member
Advocates for Responsible Treatment