

August 27, 2023

Dear Chairman, and members of the Courts Correction Committee,

As you are all well aware, America has hit a wall on the war on drugs. At least 20 million of its citizens have become a seriously addicted society, which we cannot reason or cajole into rehab. Many of its members, when intoxicated, are as psychotic as the mentally ill that we frequently detain and place on a legal hold for psychiatric treatment. They comprise a large sector of our homeless, and many are capable of violence, or committing crimes, when under the influence of drugs. The addictive behavior in America is as serious, or more so, than the supply of drugs at the border.

For that reason, I am proposing a drug law to capture these serious addicts, who have overdosed multiple times, and put a hold on them, like the mentally ill to get them into mandated detox and rehab in a designated facility for at least 6 months. They appear as chronically addicted in our ERs every day, and sometimes as many as 5 or 6 times a month! Some of them are violent, and should not be brought to a general ER, but to a triage for those encountering serious behavioral health issues such as mental illness outbreaks, and addiction outbreaks. There should be a way an MD can alert the court to these individuals without violating HIPA regulation...because we could much more effectively be treating their behavioral health crisis, and dire need for continued care outside the ER, in an established residential long term care center for example...like the Miami model.

The impasse I am reaching is the sentiment that this would violate the civil rights of the person who is addicted, and many times also has a mental illness- or co-occurring disorder.. My retort to this is that it is an issue of competency and the severely drug addicted are not competent and, very often, pose harm to themselves or others. I have been an emergency physician for 40 years, the last seven, of which, I have been in Albuquerque, New Mexico and Seattle, Washington and I have seen a myriad of drug addicted patients. These chronically addicted, and many times co-occurring mentally ill and addicted come into our ER's in Albuquerque multiple times a month. Some bring weapons, and have threatened staff, and other patient's. These individuals should be able to be placed directly into treatment, not just a few hours or up to 72 hours in the ER, but in facilities that give especially our homeless population, immediate care, housing, and treatment through the behavioral health courts. These individuals seen in our general Ers cause a bottleneck of care, often destroy hospital bathrooms, etc, and have threatened both doctors and staff with weapons.

The issue of competency is exactly what we evaluate in the mentally ill, when we consider a legal hold on them for treatment. It should be what we evaluate in the severely drug-addicted, as well. I strongly support pre-diversion or care through the court of an individual who is a danger to themselves and others who is unhoused who has not yet been arrested for a crime.

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