

TENNESSEE DEPARTMENT OF **HUMAN SERVICES**

DRUG TESTING IMPLEMENTATION PLAN:

3RD QUARTER PROGRESS REPORT

APRIL 1, 2013



Helping Shape Tennessee Lives



**STATE OF TENNESSEE
DEPARTMENT OF HUMAN SERVICES**

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RAQUEL HATTER, MSW, Ed.D.
COMMISSIONER

April 1, 2013

Chairman Rusty Crowe
Senate Health and Welfare Committee
Suite 8, Legislative Plaza
Nashville, Tennessee

Chairman Bob Ramsey
House Health Committee
Suite 212, War Memorial Bldg.
Nashville, Tennessee

Dear Chairman Crowe and Chairman Ramsey:

This letter is serving as the Tennessee Department of Human Services' Drug Testing Implementation Plan FY 2013 Third Quarter Progress Report.

Public Chapter 1079 requires the Department of Human Services to develop a plan to implement a program of suspicion-based drug testing for each applicant who is otherwise eligible for temporary assistance for needy families (TANF).

Since the last update report was issued, the Department has consulted with substance abuse treatment experts such as representatives from the Department of Mental Health and Substance Abuse Services. Such consultation has assisted with the identification of potential drug abuse screening tools and assessing the availability of treatment providers across the state. One screening tool in particular that the Department has been closely researching, reviewing, and evaluating is the Drug Abuse Screening Test (DAST). The DAST is a self-reporting tool that is available in 3 formats which contain 10 to 28 questions related to drug use and abuse. Continuous evaluation will take place as additional tools are discovered.

The Department is examining the feasibility of a pilot program and evaluating what it would entail for the clients that we serve. Our main objective is to ensure that all clients are treated equally, but we are faced with a unique challenge when it comes to implementing a drug testing pilot program. There is the possibility that clients may be treated differently depending on how the pilot is implemented. As we move forward we will continue to seek legal guidance regarding this matter.

During this past quarter, the Department also learned that a decision was rendered in regards to a court injunction that halted the enforcement of Florida's 2011 TANF drug testing program. The 11th Circuit Court of Appeals affirmed the court's injunction because the State of Florida, "*failed to establish a substantial special need to support its mandatory suspicionless drug testing of TANF recipients*". With this in mind, the Department will strive to develop a suspicion based program that is constitutionally sound.

Should you have questions, please contact my office at 615-313-4702.

In Service to Others,

A handwritten signature in black ink, appearing to read "Raquel Hatter". The signature is fluid and cursive, with the first name "Raquel" being more prominent than the last name "Hatter".

Raquel Hatter, MSW, Ed.D.
Commissioner

RH/bm