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OUR FILE NUMBER:



May 23, 2017

VIA EMAIL

Southern California News Group
The Orange County Register
2190 S. Towne Centre Place
Anaheim, Ca 92806

Re: Three-Part “Rehab Riviera” Investigative Piece

Dear Southern California News Group:

During this month of May – National Mental Health Awareness Month – the Southern California News Group journalists at the *Orange County Register* chose to do a three-part “Rehab Riviera” investigative piece. We are disturbed by the unbalanced, biased, one-sided approach to the report.

The report features a young man suffering from addiction and mental illness who was followed around for 90 days to chronicle his dysfunctional life. But there was no empathy for Timmy Solomon. There was no reporting on the deplorable level of access to quality mental health and substance abuse treatment. There was no reporting on the potential effect of stripping “essential health benefits” from our national healthcare law, coupled with the proposed \$800 billion in cuts to Medicaid. There was no reporting on the health insurance industry’s apparent disregard for the Mental Health Parity and Addiction Equity Act of 2008, a federal law intended to prevent health insurance companies from providing less favorable benefits for mental health and substance abuse treatment than those benefits for medical and surgical treatment.

The report quotes from numerous sources and cites a variety of government reports, lawsuits, and other legal documents. However, the reader will not find a quote favorable to the treatment industry and reference to court documents present only one side of the cases. Only two sources favorable to the treatment industry were quoted – Stampf Corbin of Addiction Treatment Advocacy Coalition, and Robert Harris of California society of Addictive Medicine – and yet only negative quotes were attributed to both of them. Mr. Harris was only quoted about the problem with television advertisements for treatment facilities and his unexplained opinion about “out-and-out fraud” and “semi-fraud.” The quote from Mr. Corbin acknowledges the “bad players” in the industry, but when he stated, “the ‘bad players’ don’t outweigh the good work provided by legitimate operators,” there was no follow up. Instead, the report goes right into a description of the “loose regulations and lack of background screening” that would have readers believing all treatment facilities are staffed by sex offenders, drug dealers and unethical characters.

The report references a number of statistics concerning the effects of the “tidal wave of mostly young addicts” burdening our communities. But you share none of the statistics related to the opioid epidemic and its causal connection to the increase in substance abuse treatment facilities. While it may be true that one person dies every 16

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days in a licensed rehab center, doesn't that number pale in comparison to the over 140 overdose deaths every day in the United States? That's one overdose death every 10 minutes! Experts all agree that the solution to this deadly problem is increasing access to and improving the quality of treatment. Running the treatment facilities out of town will only increase the number of deaths related to addiction.

Legal documents are referenced but your readers might reasonably infer that only one side showed up in court. You write about the lawsuit between Satya Health and HealthNet, parroting HealthNet's argument that they've been defrauded and should not have to pay millions in unpaid claims. You further report that HealthNet "asked" treatment facilities to provide proof of their patients' payment for insurance, place of residence, and medical necessity for the treatment. Since you read the court filings related to HealthNet, you know they didn't just "ask" for information. HealthNet dropped a dragnet on the entire substance abuse treatment industry and stopped issuing any payments to any facility caught up in the dragnet, forcing many facilities to close their doors and forcing patients suffering with addiction out on the streets. You also know that the California Department of Insurance is investigating whether HealthNet illegally withheld payments to treatment centers for legitimate, medically necessary treatment as a result of its dragnet, with the intent to make HealthNet look financially attractive enough to entice Centene Corporation into a merger worth \$6.3 billion.

You also reference a legal dispute between a resident of Murrieta and his neighboring sober living home. Your portrayal of Geoff Szabo as an innocent victim is inaccurate and misleading. Mr. Szabo was anything but a welcoming neighbor, and his intent from the beginning was clear: Get this sober living home off my street, and now! His aggressive harassment and intimidation tactics to run the sober living home and its resident out of town was relentless. In fear for the safety of its residents, the sober living home turned to our law firm for help. Our cease and desist letter put an end to Mr. Szabo's illegal behavior and defused a potentially dangerous situation.

As you know from your research, licensed detox facilities and sober living homes are legally protected and authorized residential uses. Unfortunately, Mr. Szabo and his fellow not-in-my-backyard ("NIMBY") supporters feel they are above the law and entitled to violate the rights of individuals in recovery to live in single-family homes that are located in safe, clean residential neighborhoods. Most telling is Mr. Szabo's statement in your article regarding the proper place for sober livings: "They should not be in residential areas. They should be in commercial areas." Unfortunately, you have provided Mr. Szabo and others like him with a platform to spread their discriminatory animus, unfounded fears and myths about residential treatment facilities, sober livings and the suffering patients they serve.

Residential group living is a proven effective means for many to achieve lasting sobriety, providing the patient with a safe and supportive transition between detox

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and returning home to their families and communities. Medical professionals believe that addiction is a brain disease, a mental illness accompanied by isolation, shame and guilt. Recovery includes abstinence and for many, community, communication and support. Forcing sober living homes and residential treatment facilities into commercial areas does nothing to help individuals in recovery achieve sobriety and only serves to shame and isolate them.

If your intent was to improve the treatment industry, you failed. You offered no solutions, and only advanced negative stereotypes about addiction and treatment. If your intent was to help addicts and their families who struggle with the pain and destruction of addiction, you failed. Your message to the public is that residential treatment facilities are of no benefit and should be avoided. If, on the other hand, your intent was to increase the unfounded fears and myths about residential treatment facilities and sober livings, then you succeeded. Proof can be found no farther than your reader's online comments following the articles.

The ill will and hatred towards sober livings and individuals in recovery is, unfortunately, not new to us. We represent recovery treatment providers and sober livings throughout Southern California. Our clients have a sincere desire and dedicate their lives to helping people recover from addiction and return to their homes as healthy and sober mothers, fathers, sons and daughters, and productive members of their communities. Addiction destroys families and communities. Our clients provide hope and recovery.

The recurring theme throughout the report is the cost imposed on taxpayers and insurance companies. If we only see the problem in terms of dollars and cents, then we have depreciated the value of human life. If the only problem we see with the drug epidemic is the treatment industry, then the solution is stark. Drug addiction will not go away by shutting down residential treatment facilities. Neighbors may no longer have to worry about stepping over the errant cigarette butt in the gutter. Instead, they'll have to worry about stepping over the dead bodies in the streets. We believe our values as Americans go much deeper than monetary interests.

We strongly encourage you to report on the many good people and treatment providers in the recovery community, and share their stories of success and those of the many individuals who have benefited from their services.

Very truly yours,

CALLAHAN & BLAINE

Richard T. Collins and Damon D. Eisenbrey