

The Florida Department of Administration



DIVISION OF STATE PLANNING

530 CARLTON BUILDING, TALLAHASSEE, FLORIDA 32304 - TELEPHONE (904) 488-6601

BUREAU OF CRIMINAL JUSTICE PLANNING & ASSISTANCE

Reubin O'D. Askew
GOVERNOR

Wallace W. Henderson
SECRETARY OF ADMINISTRATION

R. G. Whittle, Jr.
STATE PLANNING DIRECTOR

March 24, 1978

Mr. James E. Hartz, Director
Straight, Inc.
5000 Park Street North
St. Petersburg, Florida 33709

Dear Mr. Hartz:

Re: 76-A4-13-EB01; Project Straight, Inc.; Suspension of Funding

Pursuant to your request of March 23, 1978 to Dr. John H. Dale, Jr., I am herein setting forth the authority and rationale involved in the temporary suspension of LEAA funding to your agency.

The general authority to reject, suspend and revoke applications and grants is contained in Part F, Sec. 501-510 of Title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by the Omnibus Crime Control and Safe Streets Act of 1970 (P.L. 91-644).

Additional authority may be found in the United States Department of Justice, Law Enforcement Assistance Administration Guideline Manual M/100.1A, Change 3, Financial Management for Planning and Action Grants, Ch. 1, par. 4, and Ch. 3, par. 3(c).

In addition, the Florida Administration Manual for Subgrant Awards, Sec. 3.01.07, also advises subgrantees of the possibility of suspension.

Specific authority to suspend funding is also contained in Standard Subgrant Condition 5., Termination of Aid, signed by the subgrantee as a formal part of the subgrant award.

Additional Federal and State statutory authority, rules, and regulations that are applicable will also be provided to you if you so desire.

The decision to temporarily suspend funding to your project was not made capriciously, but only after a serious review of the alleged situation.

If there are major improprieties, and I emphasize again the "if," then it is possible that a total recovery of LEAA funds and state buy-in would be in order. The less money forwarded to your agency means the less money involved in

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Mr. James E. Hartz
March 24, 1978
Page Two

recovery proceedings. In addition, only a relatively small sum remains to be drawn down by your agency and the subgrant award expires in a few weeks. After expiration of a subgrant award, your agency would only be required to maintain financial records for three years. Programmatic concerns could probably not be raised after the expiration of the project.

This continuing review of your project stems primarily from four sources, not in order of significance:

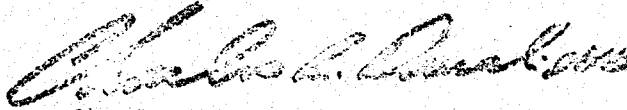
1. Newspaper articles by Mr. William Nottingham, St. Petersburg Times;
2. A written complaint by Mr. George A. Stevenson to Governor Reubin Askew;
3. Specific time-based programmatic modifications required by the Department of Health and Rehabilitative Services; and
4. Unresolved questions identified in an on-site monitoring by the Bureau and involving (a) alleged nepotism and (b) minority representation among clients and staff.

I would like to clearly state that we do not have, at this time, any evidence indicating any violation of Florida law, nor do we have any evidence clearly substantiating any violation of LEAA rules and regulations or standard subgrant conditions. What we have are unsubstantiated allegations and some legitimate questions coupled with an unfortunate time period.

The Bureau of Criminal Justice Planning and Assistance is eager to resolve all of the pertinent matters of concern so that the very important services provided by your project can continue on uninterrupted, and not under any continuing cloud of suspicion.

It is my complete expectation that all of these items will be resolved satisfactorily by the end of this month.

Sincerely,



Charles R. Davoli
Bureau Chief

CRD/JHD/mvs

cc: Mr. Frank Griffin, Pinellas NPU
Mr. J. B. Holley, District 5, DHRS
✓ Ms. Chris English, Office of the Governor
Control: 76-74-13-BB01

R.D. 4, Box 350
Georgetown, Delaware 19947
March 11, 1978

The Honorable Reubin Askew
Governor, State of Florida
Tallahassee, Florida

Dear Governor Askew:

Upon learning that two of my daughters, Gail and Kathy, ages 18 and 16, had been committed to the program known as Straight, Inc. by their mother and stepfather, I began attempts to determine what problem, if any, my daughters had, and whether Straight, Inc. offered satisfactory treatment.

Articles relating to Straight, Inc. were forwarded to me by the St. Petersburg Times at my request. These articles offered sworn statements from former counselors, HRS investigations, etc., as can be seen from the enclosed photocopies. My concern for the welfare of my daughters was greatly increased after reading these articles.

At the same time I requested these articles from the St. Petersburg Times, I wrote to the director of Straight, Inc., Mr. William Hartz, setting forth questions regarding the program. I asked that the program be explained to me--for instance, why parents could not see their child except in the presence of others, why they could not receive or send mail, etc. To date I have not had the courtesy of a reply.

Gail tried to run away twice, the last time being around February 3, 1978. Another daughter of mine, Brenda, age 19, was finally allowed to talk with her sister because she (Brenda) was "stirring up too much trouble." Brenda, being very close to her sister, feels as I do--this program is no place for either Kathy or Gail. She felt that Gail, in just three short weeks, did not sound like herself, almost like she had been programed, like she had been brainwashed. I might add that Brenda was allowed to see Gail only with her mother and stepfather present, the director, Mr. Hartz, and the whole conversation was recorded.

On March 4, 1978, I called Straight, Inc. and spoke with an Ed Drizzle, explained that I was calling long distance, that two of my daughters were in the program and that I would like to speak with them. In the event they were not there at that time, I asked that the girls be allowed to return my call. He was one of the rudest people I have ever talked with--rude to the point of hanging up on me. If this is the type of people Straight, Inc. has for counselors, it only tends to confirm my fears that Straight, Inc. is not a place I want my daughters in.

It is my belief that the tactics used by Straight, Inc. are damaging. The problem my girls experienced should have been handled at home through love and understanding. I strongly disagree with a program that uses

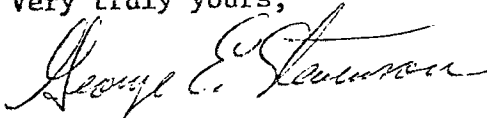
The Honorable Reubin Askew
Page 2
March 11, 1978

"'time out,' known by some clients as solitary confinement, 'running,' where juveniles are exercised--forcibly if necessary, and 'marathon sessions' known to some clients as 'come downs' where a group of counselors will yell remarks designed to provoke the client into feeling guilty" (quoted from the St. Petersburg Times, Sunday, December 4, 1977).

I would urge that an investigation be conducted into the program offered by Straight, Inc. Not only am I concerned with the program offered, but the fact that my daughter, Gail, was to graduate from school this spring and cannot now do so since no schooling is offered by Straight, Inc. I do not feel her problem warrants such drastic action as has been taken. She is being denied her education and I can't help but wonder what her mental attitude toward life will be after being in the Straight, Inc. program.

Your consideration in this matter will be greatly appreciated.

Very truly yours,



George E. Stevenson

cc: C.B.S.--60 Minutes
Robert G. Marshall, Director
Health & Rehabilitative Services
Mr. William Nottingham, Staff Writer
St. Petersburg Times
Secretary of Health, Education & Welfare
Attention: Ms. Backus
John H. Dale, Jr., Assistant Chief
Bureau of Criminal Justice Planning & Assistance
Director, National Institute of Drug Abuse

The Florida Department of Administration



DIVISION OF STATE PLANNING

530 CARLTON BUILDING, TALLAHASSEE, FLORIDA 32304 - TELEPHONE (904) 488-6001

BUREAU OF CRIMINAL JUSTICE PLANNING & ASSISTANCE

R. G. Whittle, Jr.
STATE PLANNING DIRECTOR

Reubin O'D. Askew
GOVERNOR

Wallace W. Henderson
SECRETARY OF ADMINISTRATION

March 20, 1978

Mr. George E. Stevenson
R.D. 4, Box 350
Georgetown, Delaware 19947

Dear Mr. Stevenson:

Thank you for copying Dr. John H. Dale, Jr. with your letter of March 11, 1978, to Governor Reubin Askew.

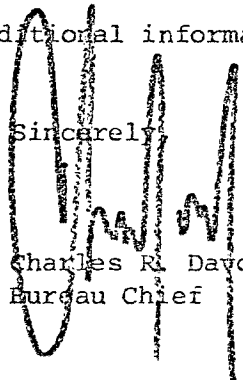
The Bureau of Criminal Justice Planning and Assistance is conducting both a financial and programmatic assessment of "Straight, Inc."

A report will be issued in the next few weeks outlining all of our findings. A copy of this report will be made available to the Florida Department of Health and Rehabilitative Services, which is responsible for licensing all drug abuse treatment programs within the State.

Any indication of serious impropriety or possible illegal activity would, as a matter of standard procedure, be turned over to the proper local law enforcement officials. This is not to imply that any such situation is, in fact, evident at this time.

If I can provide you with any additional information, please let me know.

Sincerely,


Charles R. Davoli
Bureau Chief

CRD/JHD/mvs

cc: Ms. Chris English, Office of the Governor ✓
Mr. Harry Moffett, DHRS - Drug Abuse
Mr. Frank Griffin, Director, Pinellas MPU
Mr. James E. Hartz, Project Straight, Inc.
Control: 76-A4-13-EB01

STRAIGHT, INC.

JAMES E. HARTZ
EXECUTIVE DIRECTOR

(A NON-PROFIT CORPORATION)

POST OFFICE BOX 40052
St. Petersburg, Florida 33743
Phone: (813)541-6666

May 2, 1978

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RECEIVED
MAY 11 11 43 AM '78

Mr. George Stevenson
R. D. 4, Box 350
Georgetown, Delaware 19947

Dear Mr. Stevenson:

I am in receipt of your personal handwritten letter and your letter to Governor Askew. I can appreciate your concern for the future of your daughters. Enclosed please find a brochure which will describe the program in a little more detail. Also enclosed for your review is the recent evaluation of our program by an independent professional in the field. This evaluation is required by our small L.E.A.A. grant.

We certainly want you to feel free to journey to St. Petersburg and see the program in action for yourself. We would be glad to have you. After reviewing many of the more traditional therapeutic modalities that deal with this problem, I can only say that this is the most exciting, positive and successful therapeutic system I have observed. Should you not be able to come to Florida, I would be glad to talk with you by phone. I feel a phone conversation can not give the information that an on-site visit would, but I will try to explain any questions you may have if you can not visit.

Thank you for your concern.

Sincerely,



James E. Hartz
Executive Director
STRAIGHT, INC.

JEH:mga

cc: Governor R. Askew
Dr. John Dale



STATE OF FLORIDA

DEPARTMENT OF

Health & Rehabilitative Services

Reubin O'D Askew, Governor

1323 WINEWOOD BOULEVARD

TALLAHASSEE, FLORIDA 32301

Honorable Reubin O'D. Askew
Governor of Florida
The Capitol
Tallahassee, Florida 32304

March 30, 1978

Re: Straight, Inc., Drug Treatment Program

Dear Governor Askew:

Per your request, we are enclosing copies of reports on the above-named program. These reports were compiled by staff members of HRS District V.

In accordance with federal and state confidentiality regulations (copies attached), our office cannot retain client identifying information without written releases signed by the clients; consequently, we are not retaining client names, addresses, etc., as you will note on the enclosed copies.

Enclosed also is a copy of a memorandum from Harry W. Moffett, Mental Health Program Office Drug Abuse Staff member, to Dr. Robert R. Furlough, Assistant Mental Health Program Office Staff Director. As you will note in this memorandum, reports containing client identifying information have been subpoenaed by the Office of the State's Attorney and have been submitted to that Office, in accordance with appropriate legal procedures.

If we may be of further service, please let us know.

Sincerely,

Peter B. C. B. Ivory, M.D.
Mental Health Program Office Staff Director

I:Njt

cc: SEC
ASP
ASO
DA-V
PDMHD



STATE OF FLORIDA

Department of Administration

Division of State Planning

660 Apalachee Parkway - IBM Building

TALLAHASSEE

32304

(904) 488-1115

Reubin O'D. Askew
GOVERNOR

Wallace W. Henderson
SECRETARY OF ADMINISTRATION

R. G. Whittle, Jr.
STATE PLANNING DIRECTOR

March 31, 1978

Mr. William J. Page, Jr.
Secretary
Department of Health and
Rehabilitative Services
1323 Winewood
Tallahassee, Florida 32301

Dear Secretary Page:

76-A4-13-EB01; Project Straight, Inc.; St. Petersburg

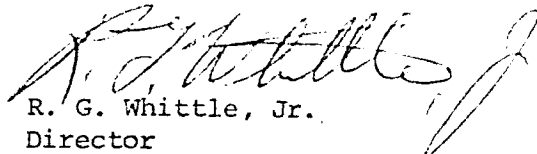
As a result of on-site monitoring by Bureau of Criminal Justice Planning and Assistance staff; communications with HRS Drug Abuse and District V staff, and inquiries from the Governor's Office, we have been advised that there has been an in-depth assessment of Project Straight by your agency.

In order to properly execute our responsibilities under the auspices of the United States Department of Justice, Law Enforcement Assistance Administration, I am requesting a copy of the last two "parts," "conclusions" and "recommendations" of the report.

Please send these sections to: Dr. John H. Dale, Jr., Bureau of Criminal Justice Planning and Assistance, Room 530, Carlton Building, Tallahassee, Florida, 32304.

Your assistance in helping us complete the inquiry into Project Straight will be most appreciated.

Sincerely,


R. G. Whittle, Jr.
Director

RGW/jds

cc: Mr. Wallace Henderson
Ms. Chris English ✓
Dr. Peter Ivory
Ms. Lucy Hadi
Mr. Frank Nelson
Control

MS. Chris English

Here is a
draft copy, minus
appendices, of our
Project Straight
Monitoring Report.
Harry Moffett at
Drug Abuse has
seen it and concurs.
I would like to
send a copy to
Jimmy Russell. Please
advise. J. V. Delp

Conclusions:

- ① providing much needed service but...
- ② very poorly administered
 - Ⓐ program rules not in compliance w/ regulations
 - Ⓑ personnel practices not in compliance w/ regs
 - ① Advisory Board not being effectively utilized
- ③ Supervision of staff by Exec. Dir. inadequate (not always professionally trained person there)
- ④ In-service training of paraprofessional staff totally inadequate
- ⑤ Majority of complaints against Staff Supervisors:
 - ① not qualified
 - ② verbally & physically abusive
 - ③ crude & vulgar
 - ④ doesn't have necessary temperament to discharge responsibilities
- ⑥ Not complied w/ requirement that written consent for treatment be obtained from any person

- ⑦ Program not in compliance with requirement that any person who voluntarily submits to treatment may not be retained in the program against his will
- ⑧ Lack of concern for client safety ~~overcrowding~~ of foster homes & transportation
- ⑨ Food given to clients totally inadequate

Recommendations:

- ① 90 day interim license given in which Time Straight, Inc. is to comply w/ following rules
- ② program will secure written consent from each client or their guardian
- ③ Board of Dir. will establish necessary written policies R&S:
 - ① Program rules, personnel - foster home placement procedures & strip and search procedures
 - ② Board minutes more complete, accurate & signed by appropriate authority
 - ③ Written rules & regulations R&S:
 - 1) Personnel Policies
 - a) pay & allowance
 - b) leave
 - c) annual review

- ② Disciplinary Policies for Clients
- ③ Strip & Search
- ④ Conduct of Staff & Clients
- ⑤ Treatment Procedures & Limitations

④ Provide HRS with written schedule of proposed training activities for coming year

⑤ Advisory Board become more active & minutes kept of the meeting

⑥ Dept. Review of fiscal management of the program

⑦ Board of Dir. review management practices of Exec. Dir. in light of items mentioned in conclusions and submit written report to HRS

⑧ Board of Dir. also evaluate staff supervisor's performance & qualifications. Submit written report to HRS.

⑨ Written policy by Board of Dir. re: ~~re~~ limiting numbers of clients being transported in one automobile.

- ⑥ Nutritionist be consulted to assure maximum nutritional value in meals
- ⑪ Give serious consideration to hiring more qualified professional people to insure professional coverage of the program activities at all times
- ⑫ Voluntary practice of employees working so extra volunteer hours in addition to their paid 40 hours a week should be stopped immediately
- ⑬ Practice of treatment staff taking clients to their homes as newcomers should be discontinued immediately -

PART II

Scope and Conclusions

SCOPE OF INVESTIGATION

During the conduct of this investigation, the task force interviewed 48 clients who are in the program at this time, 13 of the 14 currently employed staff, 9 members of the current Board of Directors, 5 foster home families, 5 former Board members, 4 previous employees of the program, 2 parents who earlier had children in the program, ~~6 clients who, for one reason or another, had children in the program~~, 6 clients who, for one reason or another, had dropped out of the program, 9 graduates of the program, and 9 clients and/or their parents who we had reason to believe were either involved in or observed physical or verbal abuse. A review of the records and files was also carried out.

CONCLUSIONS

1. Straight, Inc. is providing a much needed service in the community. There are, however, areas of serious concern within the program. Currently, 235 clients are enrolled in the Straight, Inc. program and an additional 50 have graduated. These are children who were involved with multiple drugs. Areas of concern will be addressed in following conclusions.

2. From the sample available, it would appear that many of the graduates are maintaining a drug-free life. Six months after the first graduation, Straight, Inc. sent out 27 follow-up letters. Eleven replies were received and all reported a drug free life style. The task force interviewed nine graduates and all reported a similar drug free pattern.

3. The program is very poorly administered, both by the Executive Director and the present Board of Directors.

a. Program rules are not in compliance with regulations (see Florida Rules for Drug Abuse Program, 10E-7.11 (8), page 6). The task force could find no evidence of written policy and rules governing the action of staff in handling various aspects of the program, such as strip and search, restraining (when to use, who to use, how to use).

b. Personnel practices are not in compliance with regulations (see Florida Rules for Drug Abuse Program, 10E-7.11 (9) & (10), pages 6 & 7). The program could not supply the task force with any written personnel policies. Personnel files did not provide basic information as to date of employment, basis for employment (letters of recommendation and/or statement of qualifications), record of in-service training, pay data, record of grievances, reports of evaluations of employees, termination documentation including exit

3.b. Continued:

interview. There was no evidence of any formalized in-service training program.

c. It appears that the Advisory Board is not being effectively utilized (see Florida Rules for Drug Abuse Program 10E-7.11 (16), page 9. The task force was not supplied any written minutes of Advisory Board meetings. Several persons interviewed states that requests for consultation were made but never carried out.

d. A review of the Board of Directors' minutes of Board meetings indicates that Robert's Rules of Order are not being followed as required by the By-Laws of Straight, Inc., Article IV, Section 4.

4. Supervision of the treatment staff by the Executive Director is inadequate. The program is conducted 12 hours a day, seven days a week. As a result of the extended hours, the Executive Director, who is the only professional on the staff, is absent during many treatment hours. During his absence, supervision must rest with a staff supervisor who is not professionally trained.

5. When the Executive Director is absent from the program, there is no other professional leadership available within the physical confines of the plant. During the time the task force was actually in the facility and the program was in full operation, Mr. Hartz was absent from the building more than present.

6. Based on available evidence, in-service training of the para-professional staff is totally inadequate. The only formal training noted was a "Listening Course" by Juvenile Welfare Board, staff meetings, and OJT for several new Junior Staff Members. Evidence of a planned staff development program was not available.

7. The majority of the complaints focus upon the Staff Supervisor, Mrs. Helen Peterman. Complaints allege that she is not qualified, that she has been both verbally and physically abusive toward some of the clients, that she is crude and vulgar, and does not appear to have the temperament necessary to discharge her responsibilities. There have been allegations that Mrs. Peterman slapped clients, kicked clients, pulled clients' hair, and used abusive language. As Staff Supervisor, she also bears responsibility for the forced cutting of clients' hair, forcing clients to run excessively, and the use of straight-jackets.

8. Section 10E-7.11, paragraph (13) of the Rules of the State of Florida, Department of Health and Rehabilitative Services' Drug Abuse Program governing all drug abuse treatment and education center, requires that a written consent for treatment by the program be obtained from any person, or his/her guardian. This applies to all clients. This requirement has not been complied with by Straight, Inc.

9. Section 10E-7.11, paragraph (14) of the same rules, and Section 397.041 Florida Statutes, require that no person who voluntarily submit to treatment may be retained in an approved program against his/her will. Evidence indicates that the program is not in compliance with this regulation. Interviews with 48 clients revealed 13 entered of their own free will, and the remainder were placed there by the courts or their parents.

10. There appears to be a lack of concern for client safety, both in the foster homes and in the transportation of clients to and from the program. It was reported that at times excessive numbers of newcomers would be assigned to a home designed for and affording facilities for much less. It was also noted that cars bringing clients to the program in the morning would contain up to eight youngsters plus the driver.

11. The task force feels that the food supplied to the clients is totally inadequate. Sandwiches, sometimes without any form of dressing, are furnished for lunch and dinner. Several of those interviewed maintained that they did not always get a breakfast at the foster homes. The program does not have adequate facilities to prepare meals. In one case, it was stated that baloney for sandwiches was "green".

PART III

Action Required and Recommendations

1. A ninety (90) day interim license has been issued to Straight, Inc. in order to allow sufficient time for compliance with the Rules, State of Florida, Department of Health and Rehabilitative Services, Drug Abuse Program, hereinafter referred to as the Rules and for consideration of the other recommendations made herein. The Rules (10E-7.11 (7) (a)) require that a license must be denied if the applicable program is not in compliance, although F.S. 397.091 (3) allows for an interim license. An interim license may be renewed only in cases of extreme hardship and in which the failure to fully comply with the requirements was not caused by the applicant.
2. Reference Section 397.041, paragraph (5), Florida Statutes. No clients shall be held in the program against his/her will under any circumstances, effective immediately. Further safeguards should be established to preclude this from ever happening in the future either by staff or clients.
3. Reference Section 10E-7.11, paragraph (13) State of Florida Rules. The program will secure written consent from each client, or his/her guardian, for treatment to be rendered by the center, effective immediately. Further safeguards will be established to insure that no client will enter the program in the future without signed consent forms.
4. Reference Section 10E-7.11, Licensing Requirements and Procedures. The Board of Directors will establish necessary written policies covering such requirements as paragraph (8) on Program Rules and paragraph (9) on Personnel (particularly the maintenance of personnel policies and the distribution to all Personnel of written personnel policies). Important areas which should be included in the Program Rules are foster home placement procedures and strip and search procedures. In order to establish clearly Board policy in these and other areas, Board minutes should be more complete and accurate and signed by the appropriate authority. The Program Rules and Personnel policies should be forwarded to the Department of Health and Rehabilitative Services, District V, within 45 days of receipt of this report.
5. Reference Section 10E-7.11 (8) and (9), page 6. The program rules and personnel practices will be brought into compliance with the Florida Rules. These rules should include written rules and regulations for the following:

1. Personnel Policies

- a. Pay and Allowance
- b. Leave
- c. Annual Review
- d. Work Schedule and Hours
- e. Grievance
- f. Others as required

5. Continued.

2. Disciplinary Policies for Clients

3. Strip and Search

4. Conduct of Staff and Clients

5. Treatment Procedures and Limitations

Copies of above should be provided to District V, HRS, within 60 days.

6. Reference Section 10E-7.11 (10) Florida Rules. Straight, Inc. will provide the Department of Health and Rehabilitative Services District V, with a written schedule of proposed training activities for the coming year. This should be forwarded to HRS within 30 days.

7. It is recommended that the Advisory Board as a whole body become more active in the conduct of the program, and that minutes be kept of all meetings. There was no documented evidence that such meetings had taken place. The task force feels that this group could contribute greatly to the development of new or more effective treatment techniques.

8. It is recommended that a Departmental review of the fiscal management of the program be accomplished. The scope of this investigation did not allow for a review of this facet of the program. The task force did hear several complaints regarding the fiscal practices of Straight, Inc.

9. It is recommended that the Board of Directors review the management practices of the Executive Director in light of the items mentioned in the conclusions of the task force. A written report of the results shall be submitted to the Department of Health and Rehabilitative Services, District V, within 30 days.

10. Due to the numerous allegations and complaints relative to the Staff Supervisor, it is recommended that the Board of Directors carefully evaluate her job performance and qualifications. A written report of such evaluation should be forwarded to the Department of Health and Rehabilitative Services, District V, within 45 days. The task force has a deep concern over the serious licensing implications raised by the allegations and complaints as they pertain to the staff supervisor. Allegations involved kicking clients, holding by hair, slapping clients, verbal abuse, inappropriate sex education, and that staff supervisor was unqualified. Staff under the supervision of this employee cut clients' hair without permission, required excessive running of other unacceptable modes of discipline.

11. In light of the observations of the task force, it is recommended that a written policy be promulgated by the Board of Directors, limiting the number of clients being transported in one automobile to the normal capacity of the vehicle. In view of the task force's findings as related to foster home placement, it is also recommended that the Board of Directors review the foster home placement practices and develop a written policy to preclude overpopulating a foster home. This written policy should be made available to the Department of Health and Rehabilitative Services, District V, within 30 days.

12. In recognition of the limited food preparation facilities available, it is recommended that a nutritionist be consulted in order to assure maximum nutritional value of the meals furnished to the clients. These services are available through the Pinellas County Health Department and the Department of Agriculture Extension Service.

13. It is recommended that serious consideration be given to augmenting the paid treatment staff with another qualified professional person to insure professional coverage of the program activities at all times.

14. The task force received reports from most of the employees interviewed with confirmation from James Hartz, Executive Director, that most of them work sixty (60) hours per week, however, twenty (20) of these hours are on a "voluntary" basis. It is recommended that the existing practice of treatment staff "voluntarily" working up to sixty (60) hours per week be discontinued immediately in order to assure maximum efficiency from the staff.

15. It is recommended that the existing practice of treatment staff taking clients to their homes as newcomers be discontinued immediately. The task force was told several times that this was a practice and this practice can lead to serious complications for both clients and staff.

SPT 4/14/78
**State attorney
 is investigating
 Straight Inc.**

■ Straight Inc. is a drug treatment program in Pinellas County that uses peer pressure and behavioral modification techniques on juveniles aged from 12 to 18. In recent months it has been under investigation by state health officials. ■

By WILLIAM NOTTINGHAM
 St. Petersburg Times Staff Writer

Pinellas-Pasco State Atty. James T. Russell is investigating potential criminal misconduct involving the Straight Inc. juvenile drug treatment program.

And watching the investigation with interest is the staff of Gov. Roy Harris Aske.

"I will acknowledge to you that we are investigating," Russell said Monday.

But the prosecutor declined to reveal

the names of the alleged misdoers, or to identify the persons under investigation.

He indicated that the inquiry is aimed at specific occurrences involving Straight — not the program as a whole.

"THE OPERATION of the program, really, in all probability, would not fall within the ambit of my jurisdiction," Russell said. "My office can only investigate the possibility of a crime having been committed."

Russell's investigation could be the most serious development yet in the north St. Petersburg drug program's 18-month history. The program's effectiveness has often been praised by parents and Pinellas juvenile court judges.

Since late last year, Straight has been under investigation by the Florida Department of Health and Rehabilitative Services (HRS).

That investigation was sparked by a series of St. Petersburg Times articles that reported accusations of mistreatment leveled by some former clients and program directors.

A later article quoted former program counselors, who charged that Straight occasionally used coercive tactics to control clients.

See STRAIGHT, 11-B

Straight from 1-B

In one instance, sources said, a program official reportedly used a gun to threaten a youth thought to be harboring a runaway client.

HRS ultimately determined that Straight may have illegally held some clients against their will. The agency downgraded Straight's operating license to cover a 90-day interim period while the investigation continues.

RECENTLY, OTHER state officials have found that Straight inadequately maintained records relating to a \$50,000 federal grant. They also began checking potential violations of federal conflict-of-interest guidelines involving the grant's use.

James E. Hartz, Straight's executive director, declined to comment Monday about Russell's investigation. The Times could not contact Straight's president or its attorney for comment.

But on other occasions, Straight officials have steadfastly denied any wrongdoing.

Russell said his investigation, in part, was triggered by the HRS inquiry. "During the HRS investigation, they kept in touch with me almost on a daily basis and kept us advised," he said. "I can't say that that didn't pique my interest a little bit. I really can't say."

THE PROSECUTOR also said that last week, Bruce Starling, Gov. Aske's general counsel, telephoned from Tallahassee to ask if Straight was under investigation.

Chris English, a governmental assistant to the governor, said her office is "keeping up" with all of the Straight investigations. Aske's office became interested, Ms. English said, because of recent publicity about Straight, and because a parent of one program client wrote the governor seeking a state investigation.

Russell declined to say when he began his investigation. But he said, "I don't believe that it should take us that long" to complete.

Local

'Helen (Petermann) did not think it was an infraction at the time. These (clients) are people who are on drugs, and because of that, they are not normal.'

— Melvin F. Sembler, Straight board president

Straight evaluates its top officials, rates them highly

■ Straight Inc. is a drug treatment program in Pinellas County that uses peer pressure and behavioral modification techniques on juveniles 12 to 18 years old. In recent months it has been under investigation by state health and administrative officials. ■

By WILLIAM NOTTINGHAM
St. Petersburg Times Staff Writer

Two top officials of Straight Inc. have received glowing endorsements from the drug program's governing board, despite the board's finding that errors have been committed.

Executive Director James E. Hartz "is doing a good job," and Staff Supervisor Helen R. Petermann is "a mainstay of strength" in the program, a board report states.

Though the evaluations are overwhelmingly positive, the report indicates that Hartz has been weak in administrative areas, and it acknowledges that Mrs. Petermann once struck an "hysterical and out-of-control" program client.

The board excuses those criticisms as being minor.

"WE DO NOT condone that action from Mrs. Petermann, but it is not such a severe infraction that would create (her) severance," Board President Melvin F. Sembler said last week.

"Helen did not think it was an infraction at the time," he said. "These (clients) are people who are on drugs, and because of that they are not normal."

Hartz and Mrs. Petermann have been at the core of allegations of mismanagement and mistreatment recently leveled by former Straight clients, counselors, board members and parents.

Those allegations have prompted three state investigations into Straight, including an investigation by Pinellas-Pasco State Atty. James T. Russell of possible criminal misconduct and an investigation into Straight's use of a \$50,000 federal grant. The grant recently was suspended until the investigation is finished.

THE BOARD'S REPORT indicates that Hartz needs a better grasp of financial and administrative matters. The 29-year-old psychologist has not dealt with "recalcitrant clients" as well as he has with program parents.

Many parents of Straight clients are pleased with the program's operation. Straight also has strong support from law enforcement and court officials in Pinellas County.

"The (board) feels that some of his methods of implementation (of board policy) were not successful. However, he (Hartz) showed the ability to recognize unsuccessful methods and move in a more positive direction."

Hartz also needs help handling Straight's "public relations," Sembler said. So, for the time being, Sembler is acting as program spokesman. "He (Hartz) had some quotes (in newspaper articles) that just sort of surprised us."

MRS. PETERMANN, the board said, "is admired by clients and parents alike."

"Mrs. Petermann states that she does not believe in the use of force and only slapped one person; that particular person was hysterical and out of control.

"She states that she had wrapped two persons in a blanket who (were) too aggressive to handle. She is strict, but fair."

In his own review of Mrs. Petermann's conduct, Hartz writes, "She has made mistakes with kids, but not of the frequency or intensity to be alarming."

"Generally, her dealing with kids is very acceptable and within ethical standards that I'm aware of."

Because of her work at Straight, Mrs. Petermann recently was given the Service to Mankind Award by the Northeast Sertoma Club, said Sembler.

TWO FORMER Straight counselors have told *The St. Petersburg Times* that they once saw Mrs. Petermann repeatedly slap a young program client. Another program volunteer claims to once have seen the woman kick a youth.

Hartz steadfastly denied the allegations before they were published. But Sembler said that was because "he was not aware of it (the slapping incident) at the time." The board report makes no mention of the alleged kicking incident.

The 56-year-old Mrs. Petermann lacks a high school education but has "3½ years experience in a drug program," says the report. She has read "a number of books that help in her work," including *I'm OK — You're OK*, *Primal Scream*, *Games People Play*, *Passages*, *Your Erroneous Zones*, *I Never Promised You a Rose Garden*, *Psychology — An Introduction* and *We Mainline Dreams*.

After finding that Straight may have illegally held some juvenile clients against their will, the State Department of Health and Rehabilitative Services (HRS) downgraded Straight's one-year operating license to an interim 90-day term.

ON TUESDAY, HRS officials say they plan to announce whether the license will be revoked, fully restored or continued for another interim period.

Because HRS told Straight to give its counselors more training, Sembler said the board has hired 28-year-old psychologist George R. Ross. He is working toward a doctorate at the University of South Florida and was an unsuccessful candidate for the Hillsborough County School Board in 1976.

Earlier program plans said Hartz would conduct all necessary in-service counselor training. (Straight relies on mostly teenage counselors who themselves have overcome past drug experiences. Hartz is the only degree-holding professional to regularly work with the program's 200 clients.)

But Hartz has been too overworked to conduct the training, Sembler said. "We hope that this will be working out so that (Ross) will relieve some of the workload off Hartz."

Sembler said he soon expects to receive an evaluation of the entire Straight program conducted by Jack Sarmanian, a Boston psychologist. That evaluation is required under the guidelines for the federal grant.

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State to appeal on job rehab

United Press International Dispatch

TALLAHASSEE — Gov. Reubin Askew will appeal a decision striking down Florida's \$37 million vocational rehabilitation program all the way to the U.S. Supreme Court if necessary, officials said Friday.

Massachusetts, Connecticut, South Carolina and Arizona have said they might join Florida in the appeal, which raises fundamental state's rights issues, according to sources in Askew's office and the Department of Health and Rehabilitative Services.

Askew has been warned that the chances of success are only "30 to 40 percent" and the Department of Health, Education and Welfare might not allow about \$33 million a year in federal rehab funds to continue while the lengthy court fight is carried out.

Askew intends to make a personal request to HEW Secretary Joseph Califano by telephone not to cut off federal funds until the controversy has been settled.

Askew and HRS Secretary William Page decided Thursday night to ask the 5th U.S. Circuit Court of Appeals in New Orleans to reverse U.S. District Judge William Stafford, who ruled that Florida's job training programs for the handicapped violate the 1973 Vocational Rehabilitation Act.

"The secretary, our legal counsel and members of the Legislature met with Askew and it was unanimous that the state should pursue the appeal route," said Jack Gardner, HRS director of information. "It was agreed we should go not only to the circuit court in New Orleans, but all the way to the Supreme Court if necessary."

Legislators attending the meeting said money probably could be appropriated to hire a private lawyer to represent the state in the appeal, which would take up to two years if it goes to the Supreme Court, Gardner said.

"That's how adamant everyone was about this," he said.

HEW refused to approve Florida's 1976 vocational rehabilitation plan, saying it was illegal because the programs were no longer administered by an official with state-wide authority reporting directly to the head of the state's social services agency.

The Division of Vocational Rehabilitation had been abolished with reorganization of HRS a year earlier, and job training for the handicapped was turned over to 11 regional administrators along with most other HRS services.

Askew and Page sued Califano March 25, 1977. Stafford ruled against the state in a decision handed down last week.

HRS acting general counsel Steve Nall, in a memo for Page and Askew, says the chances of getting Stafford reversed are "30 to 40 percent." He recommended appealing, however.



Carl

Anybody seen any sharks?

Maybe it can't compare with the briny deep but with Central Florida's heat to beat 4½-year-old Erik Johnson will settle for any old watering hole — even his toy wagon filled with cooling water from a garden sprinkler. It's a very small pond.

Mr. and Mrs. Kenneth Johnson, a Winter Park, has his face mask in hands get out of hand.

Marion school attorney resigns

Sentinel Star Bureau

OCALA — John P. McKeever, attorney for the Marion County School Board for more than 10 years, has resigned effective May 1, but has offered to continue the county's appeal of a desegregation case which has been referred to the U.S. Justice Department.

McKeever Friday refused to give any reason for his resignation, refusing to "confirm, deny or affirm," speculation by School Board Chairman Carole A. Parrish that he was "disillusioned with the school system."

McKeever also serves as president of the Ocala-Marion County Chamber of Commerce, attorney for the Marion County Planning Department, chairman of the Canal Authority of Florida and is a senior law partner in the same firm as State Sen. Kenneth H. MacKay Jr.

McKeever said he had no intention of resigning any of his other public duties.

His resignation surprised both the business and government communities, which had been expecting a possible resignation by Parrish.

Parrish said Wednesday she was considering resigning as a protest of a "political power play by the school superintendent over the teacher staffing plan."

McKeever said he was "just disgusted."

Parrish said she was disappointed the superintendent would first call for a cutting of elementary art, music and other programs, then call a press conference to announce a plan with only 25 cuts, a surprise the board Tuesday night by rechanges in school programs.

"I was conferring with (administrators) as late as Monday afternoon and waiting that he would just drop the program," she said. "What we have is effort now. I feel I was lied to."

She said Friday she was glad McKeever decided to continue handling the desegregation case involving two pre-black Ocala elementary schools.

Two weeks ago, the U.S. Department of Education and Welfare told the school board to prepare a plan to desegregate the schools. The 5-year-old case turned over to Parrish, McKeever and School Superintendent Parrish asked for 14 days to prepare a response. The case was referred to the Justice Department.

Parrish said Friday she was still considering whether she would resign, adding that her resignation would have been effective May 1.

Festival schedule, 3-B
By WILLIAM NOTTINGHAM
St. Petersburg Times Staff Writer

Amid a dazzling display of fireworks and water-skiing wizardry, one of the Festival of States' most spectacular events — the Illuminated Night Parade — begins tonight at dusk along St. Petersburg's bayfront.

High-stepping bands and colorfully lit floats will head down Bayshore Drive about 7:40 p.m.

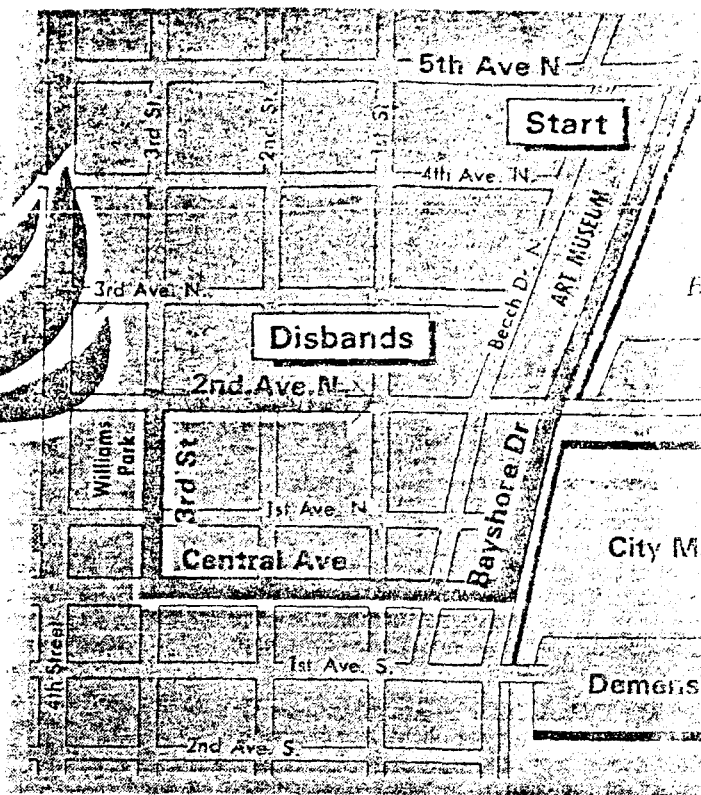
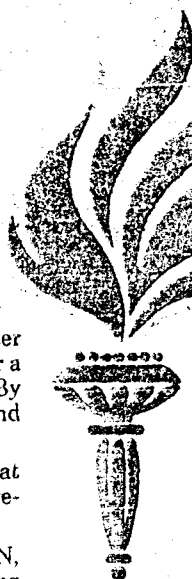
The festivities begin building in late afternoon after the Thomas Jefferson High School (Louisville) band concert at 4 p.m. in Williams Park.

Then the crowds are expected to cluster around Straub Park, a few blocks east, for a 5 p.m. exhibition in K9 dog training. By 6:45, thousands will have gathered around the Vinoy Basin for the water-ski show.

Just when the sun sinks out of sight, at about 7:20 p.m., the annual festival fireworks display will begin.

The parade begins at Fifth Avenue N, goes south along Bayshore, then west along Central Avenue, then north up Third Street and east along Second Avenue N.

Afterwards, the Highlands High School band (San Antonio) will perform at 9 p.m. in Williams Park.



Parade will begin about 7:40 tonight at Fifth Avenue N and

the nature of the alleged misconduct, or to identify the persons under investigation.

He indicated that the inquiry is aimed at specific occurrences involving Straight — not the program as a whole.

"THE OPERATION of the program, really, in all probability, would not fall within the ambit of my jurisdiction," Russell said. "My office can only investigate the possibility of a crime having been committed."

Russell's investigation could be the most serious development yet in the north St. Petersburg drug program's 18-month history. The program's effectiveness has often been praised by parents and Pinellas juvenile court judges.

Since late last year, Straight has been under investigation by the Florida Department of Health and Rehabilitative Services (HRS).

That investigation was sparked by a series of *St. Petersburg Times* articles that reported accusations of mistreatment leveled by some former clients and program directors.

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See STRAIGHT, 11-B

State attorney is investigating Straight Inc.

■ *Straight Inc. is a drug treatment program in Pinellas County that uses peer pressure and behavioral modification techniques on juveniles aged from 12 to 18. In recent months it has been under investigation by state health officials.* ■

By WILLIAM NOTTINGHAM
St. Petersburg Times Staff Writer

Pinellas-Pasco State Atty. James T. Russell is investigating potential criminal misconduct involving the Straight Inc. juvenile drug treatment program.

And watching the investigation with interest is the staff of Gov. Reubin Askew. "I will acknowledge to you that we are investigating," Russell said Monday.

But the prosecutor declined to reveal

Manatee voters today on school bond issue

By BETTY KOHLMAN
St. Petersburg Times Staff Writer

BRADENTON — Manatee voters will decide today whether they want to finance with property tax a \$11.5-million bond issue for school improvements.

Registered voters may cast ballots from 7 a.m. to 7 p.m.

The bond issue would run for 20 years, payable with a debt service tax in excess of the maximum 8-mill operating millage rate. School Supt. William Bashaw has said that the new bond issue would cut the present .54-mill debt service levy by .38 mills the first year. Thereafter, the rate would decrease as the tax roll in

Florida Power from 1-B

"I don't want to sit up here and do something for the rate-payers that's going to jeopardize the company that's serving those rate-payers, and on the other hand I don't want to sit up here and be unfair to the ratepayers and make him or her pay for something they're not going to receive any benefit from," Mayo said.

AS LONG AS the plant is shut down, he said, the company's customers would be forced not only to pay for a plant that isn't operating but also to pay higher fuel charges because other plants that burn more expensive fuel would have to fill in the slack.

If the increase is rescinded, presumably it would go back into effect once the plant is back in operation.

Meanwhile, however, Mrs. Hawkins said fuel charges may mount even higher if environmental agencies carry out their threatened shutdown of other Florida Power plants.

Joe Jenkins, chief electrical engineer for the PSC, said the company's most efficient plants face shutdowns early this summer for failing to comply with the regulations of the U.S. Environmental Protection Agency (EPA) and the Florida Department of Environmental Regulation.

"These are peak months of consumption and there are going to be skyrocketing fuel (charges) through no fault of the customers," Mrs. Hawkins said. She said the company would be forced to use less-efficient plants and buy power at premium rates from other companies.

She suggested the PSC attempt to intervene by requesting that the environmental agencies put off enforcement of their regulations until the company's nuclear plant is back in operation. The commission agreed to consider her suggestion at its next meeting.

Straight from 1-B

In one instance, sources said, a program official reportedly used a gun to threaten a youth thought to be harboring a runaway client.

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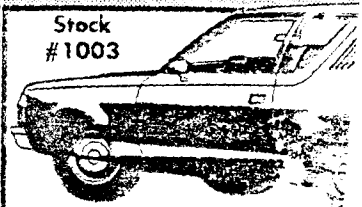
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Officials say Straight grant money was inadequately handled

Straight Inc. is a drug treatment program in Pinellas County that uses peer pressure and behavioral modification techniques on juveniles aged from 12 to 18. ■

WILLIAM NOTTINGHAM

Petersburg Times Staff Writer

A \$50,000 federal grant to Straight Inc. has been inadequately maintained, state officials say, and some of the money may have been improperly spent.

As a result, city of St. Petersburg accountants now must prove every purchase by the drug treatment program.

No grant money appears to be unaccounted for, officials

A team of state financial investigators also has begun questioning Straight officials about possible violations of federal conflict-of-interest and racial-discrimination laws.

"There are some questions that have been raised that want answered," says John H. Dale Jr., assistant chief of Bureau of Criminal Justice Planning and Assistance in Tallahassee.

CHILDREN OF at least two Straight directors have been employed as counselors, apparently drawing salaries paid by the grant money, former program employees are told *The St. Petersburg Times*.

James E. Hartz, Straight's executive director, employed a counselor — a son of a director — despite the program's recommendation that the youth not be hired.

"We figured that Jim was friends with (the director),"

one ex-employee says.

A report filed by one state official says only that "a review of personnel indicates that some employees of the implementing agency (Straight) have the same last names, which could result in nepotism."

Federal regulations bar any official from participating in proceedings involving grant money "where to his knowledge, he or his immediate family . . . has a financial interest."

The investigators also say they want to know why out of about 230 clients currently in Straight, only a few are of minority races.

NO BLACKS ARE enrolled, though experts say Pinellas County has a significant drug-abuse problem among black juveniles.

For example, Operation PAR Inc., a Pinellas drug treatment agency not connected to Straight, has 40 to 50 juveniles in a somewhat similar program. All of those clients are black.

"Discrimination is often very elusive, and it's quite difficult to determine," says planning official Dale. "We'll be looking at how clients are referred to the agency (Straight) and how they select those they take."

Straight uses intensive peer-counseling treatment techniques and has been praised by parents and law enforcement officials as being highly effective. Pinellas judges often send juveniles to Straight as an alternative to jail.

After a series of articles in *The Times* last December quoted disgruntled clients and former directors, the pro-

gram has been under investigation by state health officials.

THE HEALTH officials say that along with several other "deficiencies," Straight was found to have apparently held some clients illegally against their will.

The investigation now being conducted by the planning officials — who administer grants in cooperation with federal authorities — marks the first time Straight's finances have been challenged.

Straight Director Hartz declined to comment for this article. When *The Times* tried to contact him by telephone Wednesday morning, Hartz's secretary said he would not consider questions unless they were submitted in writing.

That afternoon, *The Times* complied with Hartz's request and delivered a list of 11 questions to Straight headquarters at 5000 Park St. A cover letter also informed Hartz of the article's deadline the next day and urged him to respond "in any way prior to that deadline."

He did not.

If investigators find that the grant has been misused, the government could stop the payments or order Straight to return some of the money. However, officials say in this case a refund request would be unlikely.

ST. PETERSBURG taxpayers have an interest in the matter because the city agreed last year to sponsor Straight's grant and see that it was properly handled. In past situations where grants have been mishandled, city taxpayers have been forced to pay at least some of the money back to the federal government.

Jeffrey G. Symons, director of the city's Grants Administration office, says his agency probably was remiss in not making sure that Straight handled the grant properly.

"I'm the one who blew the whistle on this," says Symons. When he noticed the mistake about two months ago, he alerted state officials and began an audit of Straight's grant records.

"It's no big thing. It just means a lot of work for us (city accountants)."

Although Straight leaders had been told months ago how to correctly structure the grant accounting, they improperly commingled the money into a single bank account, says Symons.

THE ACCOUNT is at the First Bank of Treasure Island, where Straight's board president, Melvin F. Sembler, is a corporate director.

The money was mixed with other Straight money that went toward expenditures that were "unallowable" under federal guidelines, state officials say.

Coming from the Law Enforcement Assistance Administration (LEAA), the grant was intended solely to pay salaries of Straight counselors. But officials say the money also may have gone toward building rent payments, food costs, utility bills and other items.

The LEAA money is the main source of Straight's limited public financing. Pinellas County and the city also have chipped in several thousand dollars. The bulk of Straight's money comes from client "donations" of from \$450 to \$550, and general tax-free contributions.

2-17-78

Straight tells staff not to talk

"I do feel like it (warning) is to quiet us up and frighten the parents on the program," says Carolyn Henson, former Straight volunteer.

By WILLIAM NOTTINGHAM
St. Petersburg Times Staff Writer

Straight Inc. has sent letters to its current and former employees warning them not to reveal information about the drug treatment program because doing so could violate state confidentiality laws.

The letter also went to parents who have children enrolled in the program.

Some recipients say they believe the letter is meant to intimidate them from speaking out about Straight, which is under investigation by state health officials.

"IT HAS RECENTLY come to our attention that some of our past employees and/or directors have been releasing information about the treatment and identity of some of the persons treated at our Center," wrote James E. Hartz, Straight's executive director.

Should program officials learn of potential violations, Hartz wrote, "Straight Inc. shall do what it deems necessary to protect its best interests."

"I think they (Straight officials) are just trying to keep people quiet, because they don't want it to come out, what's going on over there," said one parent who asked not to be identified.

The letter is dated Feb. 10 — two days after Hartz was interviewed by *The St. Petersburg Times* concerning allegedly coercive and possibly illegal tactics used on Straight's juvenile clients.

The interview was reported in a copyrighted article that appeared last Sunday in *The Times* and quoted several sources, including unnamed former program counselors.

Hartz was unavailable for comment on the letter.

Based in a warehouse just north of St. Petersburg, Straight uses peer pressure and behavioral modification techniques on juveniles from 12 to 18.

Last December state officials who oversee the program's operating license began to investigate complaints that some Straight clients had been mistreated.

THE INVESTIGATORS ultimately said they could not prove any mistreatment charges. But they scolded Straight for apparently holding some clients against their will in violation of another state law.

In the letter, Hartz quoted portions of the confidentiality statute, which prohibits drug program employees or volunteers from revealing a client's name "except in a proceeding involving the question of licensure."

"I do feel like it (the letter) is to quiet us up and frighten the parents on the program," said Carolyn Henson, a former Straight volunteer.

"I think it's to keep them (parents or employees) from bringing their complaints to HRS or the newspaper or anyone else," she said.

Youth sues mother and drug treatment program

By WILLIAM NOTTINGHAM
and SUSAN DENLEY
St. Petersburg Times Staff Writers

TAMPA — The 17-year-old son of a prominent Clearwater attorney filed a federal civil rights suit Wednesday against his mother and a controversial Pinellas County drug treatment program.

Charging false imprisonment, kidnapping, invasion of privacy, assault and illegal search, the suit stems from an 11-hour period on Sept. 24 when the youth was in the custody of Straight Inc.

THE AGENCY IS a private, non-profit program that receives some federal funds. It treats youths 12 to 18. Pinellas County judges frequently sentence criminal youth offenders to enroll in the program.

The suit says David F. White, son of lawyer Jack F. White Jr., was released from Straight only after a Pinellas County sheriff's deputy was called to enforce a court order obtained by his father.

Drug program employees initially dodged the order, the suit alleges, by spirit-ing the youth away from the central Pinellas treatment center in a van and assaulting him "into silence when he called for help."

THE YOUNGER WHITE also alleges that he was subjected to a "strip search" at Straight and forced into disrobing.

Also named as defendants are ^{Lev}Gregg, Mrs. White's fiancé (the youth's parents are divorced); James Hartz, director of Straight, and program employee Robin Ger-mann.

Hartz declined to comment. Of the other defendants, only Mrs. White, a teacher, could be reached, and she denied each of the suit's allegations.

She said she took her son to Straight because he was "incorrigible" and "a school dropout."

"I visited Straight, and I thought, 'Here's a program that can help my son a lot,'" she said. "I was so impressed by what they were doing."

SHE CITED what she calls "a Christian environment" combined with "reality" therapy at the program. She compared it to a "summer camp."

"A friend since he was 4 years old was in the program and sent me a message saying, 'Mrs. White, please get David in Straight,'" she said. "If this is so bad why would his peer try to get him into it?"

"I thought it was in the best interest of the child to have him in Straight."

But she yielded to the court order when she realized that she did not have her former husband's cooperation.

"Absolutely nothing was done to him there," she said.

White asks for an injunction against the defendants, a jury trial and both punitive and actual damages.

Girl forced to return to a Straight foster home, neighbors say

By WILLIAM NOTTINGHAM
St. Petersburg Times Staff Writer

A new complaint that the Straight Inc. drug program may be holding juveniles against their will was filed with state officials Thursday by a group of mid-Pinellas County homeowners.

A girl, about 16 and wearing only a robe, slippers and blue jeans, apparently tried to run away from one of Straight's foster homes near Largo about 7:30 a.m. Wednesday, the residents told state officials.

RESIDENTS SAID the girl went to a neighbor's house and asked to use the telephone. But as several persons watched, she was physically apprehended by two other girls from Straight before she could complete the call.

"It happened so fast, they were after her in a flash," said Thelma Thomas, of 981 Stephen Foster Drive. "She was so frightened ... I think she was trying to get away, she kept telling her sister on the phone to hurry."

"She appeared scared," Mrs. Thomas said.

The two girls who chased the apparent runaway ran uninvited through the Thomas house, said Mrs. Thomas' husband Fisher.

After they caught the her, the two girls from Straight held her by the arms and walked her back to the foster home.

A COMPLAINT was lodged Thursday with the Department of Health and Rehabilitative Services (HRS), which oversees drug treatment programs. The witnesses were represented by the Suburban Estates Home Owners Association, and attorney James F. Beers.

"I suppose what those people saw, they saw. A girl, from what I understand, did leave the home unauthorized."

— James E. Hartz,
Straight director

The new allegations against Straight came only two weeks after HRS scolded the program's directors for apparently detaining some clients illegally in the past.

State law prohibits a drug treatment program from holding a juvenile against his will, unless a judge has ordered it.

HRS officials said the Thomases and other witnesses are prepared to recount the event in sworn statements to Pinellas-Pasco State Atty. James T. Russell if a criminal investigation is called for.

Association members also told HRS that within the past few months they have seen "young teenaged girls who were allegedly handcuffed together" enter the Straight foster home, Beers said.

Barbara McPherson, an HRS attorney, confirmed that the agency is investigating both charges.

But James E. Hartz, Straight's program director, said the incident with the girl was not what it may have appeared to be.

"I SUPPOSE what those people saw, they saw," he said. "A girl, from what I understand, did leave a home unauthorized."

Once the girl was returned to Straight's headquarters, a warehouse just north of St. Petersburg, her par-

ents were notified that she wanted to leave the drug program, he said. The parents drove to Straight and convinced the girl to remain, he said.

"There was no strong-arm," said Hartz. "They (the girls who caught the alleged runaway) were supposedly concerned about where she was going."

He said the girl was not enrolled at Straight on a court order, as some clients are. Although she was free to leave, he said, "We like a minor to leave the program with his or her parents, because we feel responsible for the minor," he said.

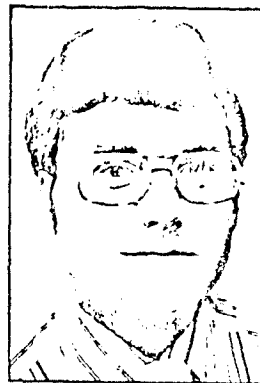
Twelve-hours-a-day, about 200 clients ranging in age from 12 to 18 undergo peer-pressure behavioral modification treatments at Straight.

AT NIGHT, some juveniles — those in advanced stages of treatment — return home. But the others are placed in private homes supervised by volunteer parents who also have children enrolled at Straight.

It was one of those homes — which Straight officials refer to as "foster homes" — that the girl allegedly ran away from Wednesday.

Beers said neighbors have complained about the home in the past.

Hartz issued a blanket invitation to any home association members who would like to discuss their complaints against Straight with him.



Health officials give Straight conditional approval, say runaway girl wants to stay

By WILLIAM NOTTINGHAM

St. Petersburg Times Staff Writer

State health officials cannot prove charges that an 18-year-old girl was held illegally at the Straight Inc. drug treatment program, a spokesman for the State Department of Health and Rehabilitative Services (HRS) said Wednesday.

The girl has told investigators that she wants to remain at Straight, even though she twice tried to run away.

Three weeks ago a group of Largo residents said they saw the girl run from a Straight foster home at about 7:30 one morning, wearing only a robe, slippers and blue jeans. She was captured by Straight counselors minutes later after telephoning her sister from a neighboring house.

THE GIRL THEN was returned to Straight's Park Street headquarters, just north of St. Petersburg. Her parents were called and they convinced her to remain. Straight officials have said.

State law prohibits drug treatment programs from holding juveniles against their will.

Officials declined to identify the girl by name. But at a parents' meeting a few days after the incident, a slight, blond girl who identified herself as Gail Stevenson said she had tried to run away, but now wanted to remain at Straight.

Brenda Stevenson — who identified herself as the girl's sister and said she lives away from her parents — reacted skeptically to the investigation results.

"They (Straight) won't let me see her," said Miss Stevenson. "I'm gonna try somehow ~~to see~~ her and let her tell me to my face that she wants to stay there. They (Gail's parents) told her once that if she left they'd get a court order to put her back in the program."

Last December, HRS began investigating other charges against the nonprofit program, which uses peer-pressure, behavior-modification treatments on juveniles from 12 to 18.

INVESTIGATORS FOUND that Straight may have illegally held some clients against their will. They also gave the program a 90-day conditional license, rather than a normal one-year license. Officials with HRS, however, declined to release their full investigative report.

The parents of many Straight clients praise the program and say it has cured their children of drug abuse. The program also has won the backing of many law enforcement and juvenile court officials, including Circuit Judge Jack Dadswell, who has ordered many youths into Straight as an alternative to jail.

In a copyrighted article earlier this month, *The St. Petersburg Times* quoted several former Straight counselors who charged that the program used a variety of coercive tactics to control clients.

The runaway girl's statement to HRS closes that portion of its Straight investigation, the spokesman said. However, officials will continue to monitor the program through April, when they must decide whether to renew or revoke Straight's license.

Ex-counselors: 'Straight' boss forced them

By WILLIAM NOTTINGHAM
St. Petersburg Times Staff Writer

Two former counselors with a Pinellas County drug treatment program sued the corporation Wednesday, claiming that their former boss "maliciously" had them fired from jobs with a Clearwater retirement home.

It was the second legal complaint filed in recent weeks against Straight Inc., which is being investigated by state health officials for allegedly mistreating some of its clients.

The former counselors are Deborah Lynn Selman, 19, and Diana Lynn Shaughan, 20, both members of Straight's founding para-professional treatment staff.

Executive Director James E. Hartz also is named as a defendant. The Circuit Court action seeks a jury trial and damages of more than \$2,500.

The women worked as drug counselors for more than

'Oh, no, that's not true.'

— retirement home administrator

nine months but resigned last summer after a dispute with Hartz and other program leaders.

The two found new jobs at the Osceola Inn retirement home. Their new supervisor coincidentally had children enrolled in Straight.

Hartz allegedly instructed the administrator to fire the two women or he would not permit the administrator's children "to visit with their mother," the suit says.

As a result, the suit says, the women were fired "without cause . . . humiliated, embarrassed and ridiculed by (their) peers" and became "sick and distraught due to the finan-

cial difficulties encountered as a result of being unemployed."

Hartz was unavailable for comment.

But the retirement home administrator — not named as a defendant — denied the allegations.

"Oh no, that's not true," she said. She confirmed firing the former drug counselors but said it was not done at Hartz's orders.

She said the two women frequently discussed their dispute with Straight while on the job in Clearwater, and "it was disruptive."

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from other jobs

In early November, a Clearwater youth filed a federal civil rights suit against Straight, Hartz and two other persons. The action claimed that he was falsely imprisoned, kidnaped, and illegally searched and assaulted while being admitted to the program.

Hartz denied that suit's allegations and said that it stemmed from a domestic dispute between the youth's parents.

Meanwhile, investigators with the State Department of Health and Rehabilitative Services have been interviewing several current and former Straight officials and clients about allegations of mistreatment.

The examination was sparked, officials said, by a series of articles published earlier this month in *The St. Petersburg Times*.

Their report is due by the end of this week, officials have said.

rug program allegedly used coercive tactics to control clients

LIAM NOTTINGHAM
contributing writer from Times

erative tactics, including threatening a with a cocked handgun, have been used at juvenile clients enrolled in the St. Petersburg drug treatment program, former clients say.

me of the tactics may have been illegal, hind the scenes accounts given by former clients portray Straight as being very different from the passive and loving program its leaders contend it is.

VO FORMER COUNSELORS — in sworn statements — say they once stood by as Helen Strzinski, Straight's program director, regularly slapped a small youth and yanked the hair in an apparent outburst of temper.

saw maybe five good smacks," one ex-client says.

at least two occasions, they say, pro-

gram officials prepared questionable documents to intimidate clients into staying at Straight even though the youths may have had a legal right to leave.

A uniformed St. Petersburg police officer was once enlisted to threaten a juvenile with arrest to scare him into staying at Straight against his will, a former counselor says.

Dozens of client treatment reports were deliberately falsified by the counselors. And they say James E. Hartz, Straight's executive director, condoned it.

Another ex-counselor says Hartz — "kind of like off the record" — encouraged counselors to physically detain clients who tried to run away. The counselors say Hartz never told them that state law forbids holding some juveniles against their will.

"THERE WERE LOADS of times when I had to tackle somebody," a former counselor says.

Straight officials generally deny the allegations.

"I don't feel I have to defend it (the program) because I know what we're doing is good, it's just and I know that we're not out to hurt anyone," Hartz says.

He acknowledges that the program operated for more than a year before he informed counselors that they could not legally detain some clients against their will.

Until state health officials told him of the law last December, he says, "I never heard of it." The law has been in effect since 1972. Based in a Park Street warehouse just north of St. Petersburg, Straight is a private, non-profit program using peer pressure, behavioral modification techniques on juveniles from 12 to 18.

TWO FORMER Straight staffers recall a popular treatment session that they believe had little to do with saving juveniles from the evils of drug abuse.

They say Mrs. Petermann, 36, allegedly demonstrated different positions of sexual intercourse to a group of female clients, some

in their early teens.

Mrs. Petermann was unavailable for comment on any of the allegations. She declined to return several telephone calls from The St. Petersburg Times.

Hartz asked that all questions involving Straight be directed to him and said he knows of no such sex discussion.

But the subject of sex occasionally comes up during program treatments, he says, and it is "normal" that juveniles have questions. "Helen's a very uninhibited person," Hartz said. If the session occurred, he said, "it might have been done better in private."

PERHAPS THE MOST serious allegation related by several sources dates back to February 1977, when a member of Straight's governing board — Richard G. Bacheler — led a band of juveniles in search of a runaway.

One member of the group carried a gun and — according to a witness' sworn statement — threatened to shoot a youth who was thought to have been aiding the runaway.

The band ultimately caught the runaway and wrestled him to the ground. When police arrived to break up the disturbance, no gun was found.

After two telephone conversations last week, Bacheler denied that a gun was used. During the first conversation he said "I will neither confirm that nor deny it."

Minutes later, after he said he had spoken to Straight director Hartz, Bacheler called back to say "I deny it."

"I did see a piece of pipe and that's what the police were told," he said. Then he said, "No, I'm not sure it was a piece of pipe." The police were told what they (Bacheler's present) thought was a gun was a piece of pipe.

"I don't believe in guns or violence," he said. "You're finding out things I don't want you to know about people."

See STRAIGHT, 1A-B

Straight from 1-B

ATE HEALTH OFFICIALS have investigating Straight since last December, series of articles in The Times quoted a who said he had been beaten while under-treatment there.

Investigations found several operational flaws and reported that some clients may be illegally held against their will.

State law says a juvenile cannot be involuntarily in a drug treatment program unless it is a state order.

One of Straight's 400 clients were ordered by judges, but most were enrolled by their parents.

Officials with the Florida Department of Corrections and Rehabilitative Services (HRS) in general endorsement of Straight in late 1977 but gave the program 90 days to correct problems or risk losing its state license.

Investigators say they could not prove any attempt charges.

It took new allegations surfaced when large area homecalls reported seeing a girl try unsuccessfully to run from a St. Peter home. The residents also say a recent months they were seen handcuffing enter the home. Both allegations were refuted by HRS.

IE FORMER counselors interviewed by the first time took their stories to HRS. But were disappointed with the outcome of the HRS investigation, branding it a whitewash.

They agreed to be interviewed for this article on conditions, that:

Their names be withheld because they might and think the publicity could hurt efforts to find new jobs.

They be quoted saying that even with its time, Straight apparently has helped many kids overcome drug abuse and return to families with new respect for their parents' behavior.

He straight because of the way things getting," one former counselor says. "I want to get in trouble. The program was y to the point where it was getting so bad felt it was hurting more kids than it was helping. They (Straight leaders) wouldn't listen."

He didn't want to go to the newspaper, because we didn't want to go to Straight live any publicity whatsoever," says another. "We want to close the program down."

NA RECENT promotional brochure for Straight, Pinellas County Circuit Judge Jack will call it "the most effective rehabilitation program in Florida." Judge will provide juvenile court cases.

Straight asks parents for "donations" of \$400 to \$500 per juvenile, although leaders say one is turned away when they cannot

the program relies heavily on counselors themselves have overcome drug problems, are in their late teens and have no formal training in drug rehabilitation.

Training is important because some of the techniques involve intensive yelling



I don't feel I have to defend it (the program) because I know what we're doing is good, it's just and I know that we're not out to hurt anyone."

— James E. Hartz

allegations that could be potentially harmful for clients if performed improperly, experts say.

Director Hartz, who has a degree in clinical psychology, says he has properly trained each of his staff members.

BUT FORMER counselors interviewed by The Times say Hartz gave them no training.

"We never had an ounce of training," one former staffer says.

"All we had was what we learned in The Seed (the embattled drug program that preceded Straight) and we passed it on to the kids," says another. "They never trained us as far as anything." (The Seed also used peer-pressure treatment techniques, but felt Florida in 1975 after state officials began questioning its financial operations.)

The former counselors also say that during the months they worked at Straight:

✓ Mrs. Petermann allegedly prepared two questionable documents to scare clients into remaining at Straight. One was a "take document" signed "from the police department," an ex-counselor says.

"After he signed it she goes, 'Ah ha! Now we've got you. If you don't stay here now and you run away, we're gonna send you away to Marianna (state juvenile home)!' That kept the kids there," says the former counselor.

Mrs. Petermann allegedly threatened at least one other juvenile in the same manner, according to the ex-counselor.

Again, Mrs. Petermann was unavailable for comment.

HARTZ SAYS SHE is not aware of any such documents.

"I remember sitting down a statement for a boy, that I had him sign," Hartz says. "We had him sign stating that if he didn't perform properly in the program there could be given to his probation officer." But there were no, to my knowledge, take documents. We just wanted him to make a very firm commitment to the program."

✓ Dozens of client treatment reports were falsified. "You know, you just make it up off the top of your head because we were so under-staffed that there wasn't no way you could keep those records right," says an ex-counselor.

"That's how we did it, because that's how we

were told to do it," another says.

Hartz says he knows nothing about any falsification.

✓ St. Petersburg police officer Ronald K. Hartz — nephew of Straight's director — allegedly threatened to arrest a youth who had repeatedly asked to leave the program.

"The kid freaked out" and agreed to stay at Straight, one former counselor says. "He (officer Hartz) walks in and tells the clients, 'Do you know that we could put you in jail? I'm gonna put you in jail, you know, putting out his handcuffs.'"

OFFICER HARTZ says, "There's nothing to the story. That's a lie."

Director Hartz says a client once threatened to harm a counselor and officer Hartz "came by he did go up, he did talk to the kid, he did describe what could happen to him for these offenses," Hartz says by nephew "never threatened to arrest the kid."

✓ The doors were regularly padlocked, but the locks were removed whenever parents or visitors were expected at Straight.

✓ Doors were locked and bolted, but we didn't hide it," Hartz says.

✓ A client was brought to Straight in handcuffs, and Hartz condoned their use. One former counselor says he was told that the client had been handcuffed to his bed the night before.

In a carefully worded statement, Hartz allegedly told the counselor to advise others to continue handcuffing the juvenile. But Hartz told him not to enforce the restraint outright.

"He (Hartz) says, 'My God, if anybody ever got ahead that we handcuff kids in their beds, that we ordered this to happen, we'd be in big trouble, so you make sure that you don't tell a kid that handcuff him to the bed,'" says the ex-counselor.

Hartz says he recalls only a "funny" incident when parents once brought a juvenile to Straight in handcuffs. (Of course, as soon as he came in the building they (the cuffs) were removed.)

✓ Older, busier clients would be used to discipline smaller clients who had misbehaved.

"A lot of times there was physical pressure, but it wasn't by the staff itself — they'd have another kid from the group," an ex-counselor says. "They'd say 'you go with him and if he doesn't scrub the bathroom you make him scrub the bathroom.'"

IF THE CLIENT being punished failed to cooperate, "they'd jump on him or something," says another former counselor.

"That's not the way I see it," Hartz says. "The way I see it is Foster. This has been assigned a task to you as a consequence of your behavior. We're going to assist you finishing it."

Only once in such a situation "come to this out," says Hartz. What with no training? "As I understood it," he explains, "the kid finished the task."

The ex-counselor says they repeatedly questioned means of Straight's procedures and hoped that HRS would publicly detail what its investigation found. But the full HRS report remains confidential.

"We tried to do everything the right way," says a former counselor. "It's like we're knocking our heads against the wall because it seems that nobody wants to do anything."

Pinellas County's latest effort to get its sons and daughters off non-addictive drugs will open in less than three weeks to what one organizer calls the "backlog of desperation" among the parents of teenagers.

To lead the effort, a citizens group has hired James E. Hartz, who traded his top post at a Georgia training center for the mentally retarded for a crack at some of Pinellas County's drug-prone children.

Straight Inc., a non-profit drug treatment program, opens Sept. 1 with Hartz as its director.

For Hartz, 26, the complexities of drug rehabilitation will be a new experience. Straight's backers said they chose the youthful redhead because of the administrative experience he gained while at his \$11,150-a-year job as director of Richmond County (Ga.) Training Center for the retarded.

"I'm still relatively new to the drug field. It's something I'll grow into," Hartz said at his still sparsely furnished office in the two-story building at 700 43rd St. S where the program will be based.

HIS APPROACH will be simple, he says: "We think we can teach kids that being high on life is more important than being high on drugs — that's it in a nutshell."

That lesson will cost parents \$500 per child. However, Straight plans to take non-paying, court-referred clients with hopes that the state will reimburse it for the service.

At full capacity, Straight hopes to handle 200 to 300 clients at a time.

Hartz, and Straight Inc., are the product of six months of around-the-table discussions by a group of Pinellas County physicians, businessmen and government officials. They were

brought together, hey say, by the common desire to go the community something it has not had since the last teenage-rehabilitation program, The Seed, closed its doors in October.

Straight's backers don't want the new program associated with The Seed, which takes its name from the biblical assertion that faith "as (small as) a grain of mustard seed" can move mountains, and presumably, cure a drug problem.

THE ORGANIZERS, most of whom are listed in Straight's charter, according to Hartz, are: Leon H. Sellers, veterinarian; R. Carl Corby, surgeon; Fred H. Kufeld, funeral director and former chairman of the Suncoast Anti-Communist Forum; Ray Waymire, former director of the City Office of Crime Prevention, where organizers often met; Mel Sembler, real estate developer; Ted M. Anderson, lumber company president who donated the 43rd Street building to Straight; Robert E. Chapin, drug company president; Herbert Goldstein, clinical psychologist on the staff of the Child and Developmental Center; Thomas E. Wykoff, Clearwater plumbing contractor; and Arthur Bauknight, an insurance agent.

"We don't want a warmed up Seed," says Bauknight. "We decided to investigate various drug-rehabilitation programs because we had nothing here."

When Straight opens, it will have been nearly a year since Art Barker abandoned the Pinellas County branch of The Seed, the state's largest drug rehabilitation program. From the day it opened in May 1973, The Seed was simultaneously blessed as "saving kids' lives," and damned as a "brain-washing" factory that turned out "robot-like" graduates.

Whatever it was, the people at Straight say they are taking a different

approach.

"I happen to feel that you can communicate with an individual without degrading him, humiliating him and without depriving him of all his uniqueness," says Hartz, who holds a master's degree in psychology from West Georgia College at Carrollton.

Hartz says "cussing and swearing" in therapy sessions to force clients to bare their true feelings — one of the criticisms of The Seed — is the product of "untrained, unsupervised and unqualified staff — it's not going to happen here."

FACED WITH AN evasive, drug-abusing teenager in therapy, Hartz said his staff will use a positive approach to extract inner feelings. ("Man, you're connin'. When you get through all the bull, we'll get down to changin'." Hartz gave as an example.)

But Hartz emphasized that Straight "is not going to be a country club. It's hard... getting kids off something they like."

Whatever it's going to be, it is going to cost about \$130,000 to operate during the first year. When its backers announced the program at the end of July, Sellers, a principal organizer, said Straight hoped to avoid government financing.

But within two weeks, Hartz announced that Straight has accepted a \$47,394 Law Enforcement Assistance Administration grant funneled through the Pinellas Metropolitan Criminal Justice Planning Council.

Hartz says the funds will be used as "startup" money, to get the program through the first year. After that, he said, the program will rely on client fees and community donations to stay afloat.



"I happen to feel that you can communicate with an individual without degrading him, humiliating him and without depriving him of all his uniqueness."

— JAMES E. HARTZ

HARTZ WOULD NOT disclose what Straight's organizers offered him in salary to lure him to the program. "I'm going to pay my staff well, and I'm going to be paid well," he said, adding that \$80,000 to \$90,000 of the \$130,000 budget is designated as salary funds for him and a staff of six or seven "para-professionals."

Those staffers, he said, will be drawn from the ranks of graduates of The Seed and other rehabilitation programs. Hartz said he hopes eventually to hire bachelor-degree-level psychologists and sociologists to strengthen the staff.

With such a staff, Hartz said, he is developing a two-week client program, centered around three therapy sessions during the 12-hour day clients will remain within the walls of Straight. Hartz said the program will include the flexibility to extend itself for teenagers who require longer stays, and for those who are allowed to remain in school.

When the daily sessions end at 9 p.m., the plan is that most clients will enter foster homes to keep them away from the daily routine in which their drug habit blossomed.

The homes will be those of Straight graduates and will be designed to strengthen "drug-free" living attitudes, Hartz said. There, clients will write a daily "moral-inventory report" on their progress, according to Goldstein, who compiled the program's objectives from the organizational meetings.

PARENTS ALSO WILL be asked to participate in their child's rehabilitation. "If you want a youngster to get off drugs," Hartz said, "the

family has to be involved."

Some of the goals set forth in Goldstein's program outline may be dropped in favor of Hartz' emphasis on preparing the 14- to 18-year-old clientele to re-enter and cope with youthful society, Hartz said. One such Goldstein proposal called for Straight graduates to form a "graduate society" in which "pins and medallions with a society logo can be designed and emphasis can be placed on wearing the medallion or pin with pride."

Hartz said he doesn't want Straight graduates to feel isolated when they return to school, jobs and friends. Critics of the Seed program claimed that program fostered such isolation.

"We want kids who can effectively relate to the environment they're going back to, not to totally alienate them. We don't want to develop robots and weirdos."

Though he acknowledges that he has had no direct experience in drug treatment programs (he said what experience he has comes from working with the mentally retarded, where, he says, there is a high incidence of drug abuse), Hartz thinks Straight's formula will cure the drug habits of 50 to 70 per cent of its clients.

And, its supporters think, Straight's formula is already generating enthusiasm among parents with drug-abuse problems in their families. Bauknight says he knows of 15 families who are considering the program.

"I don't think there's any question that there's going to be people here when we open the door Sept. 1," said Bauknight's wife, Lila. Added her husband: "There's a backlog of desperation right now."



By WILLIAM NOTTINGHAM
St. Petersburg Times Staff Writer

DEC 24 '77

State health officials said Friday that a private Pinellas County drug treatment program may have illegally held some juvenile clients against their will.

But as a result of their continuing investigation into Straight Inc., the officials said the "procedure" in question has been suspended.

Now parents of "unwilling" juveniles must obtain a special court order before putting their children in the drug program.

Since it opened in 1976, Straight has required only that parents give their consent when enrolling an unwilling child. But the law establishing the special court actions, known as "involuntary commitment" orders, was passed in 1972.

Officials said the court procedure may make it a little more difficult for unwilling juveniles to be enrolled.

"If a parent tries to enroll a child who is kicking and screaming and doesn't want to go (into Straight), they can't" without the order, said Barbara McPherson, an attorney with the State Department of Health and Rehabilitative Services (HRS).

HRS began its investigation earlier this month after accusations that Straight counselors and officials have mistreated several clients.

James E. Hartz, Straight's executive director, has re-

peatedly denied the charges.

Department officials revealed Straight's questionable enrollment procedure Friday in announcing that the investigation has been extended beyond the two-week time period initially planned.

"Since the newspaper has published that this agency is conducting an investigation, we have received additional complaints (about Straight) that have to be investigated," said Robert C. Marshall, the district HRS administrator for Pinellas and Pasco counties.

Thus far, the investigators have not been able to prove any allegations of mistreatment, Marshall emphasized.

He encouraged the public to contact HRS if they have "information" about Straight. (The Pinellas County phone number is 536-5911.)

"We're not going to thrust forward (hurry the investigation) and do a lousy job," Marshall said. The investigation must be thorough because "HRS's credibility in this community is about sub-zero," he said.

"In no way did the (Straight) board of directors intend to violate any law," Hartz said. Out of about 400 juveniles who have entered Straight since it opened in September 1976, "less than five" were enrolled against their will, he said.

Other juveniles have resisted at first, he said, but "within a matter of days the kid stands up in the (therapy) group and says 'Hey, I'm sorry I resisted.'"

"Most every kid who comes in that door doesn't want to be in the program," said Richard Batchelor, a member of Straight's layman governing board.

Straight is a nonprofit program that uses peer pressure behavioral modification techniques on clients mostly from 12 to 18, although a few are older. It relies heavily on paraprofessional counselors who lack college degrees but have themselves undergone treatment for drug abuse and say they have been cured.

Judges frequently have ordered delinquent juveniles into Straight as an alternative to jail. Many parents also have praised the program's effectiveness.

Before parents can get an "involuntary commitment" order, state law requires that a judge rule that the juvenile "is a habitual (drug) abuser... (who) has lost the power of self-control... has threatened, attempted, or actually inflicted, physical harm on himself or others" or needs medical treatment because of drugs.

Earlier this month in a letter to James Holley, a state drug-abuse official, director Hartz also said that Straight had enrolled a few juveniles "without the execution of a written consent."

Holley said that procedure does not fill state requirements, but attorneys for the drug program may challenge the issue.

Marshall said the investigation probably will continue for several weeks.

DEC 24 '77

By WILLIAM NOTTINGHAM
St. Petersburg Times Staff Writer

FEB 4 '78

The leader of a St. Petersburg counseling group endorsed Straight Inc. Friday and accused state officials of investigating the juvenile drug-treatment program out of selfish motives.

Rev. Robert L. Askew, an Episcopal minister who presides over Parents Associated Inc., said he has never seen Straight officials mistreat clients, as some persons have charged.

ASKEW SAID HE WAS particularly disturbed when some Pinellas County homeowners Thursday said that a young girl had tried to run away from a Straight foster home, but was chased and caught by two other girls.

The residents complained about the incident to the Department of Health and Rehabilitative Services (HRS), which has been investigating similar allegations against Straight.

Some of the residents also told HRS that they have seen teenagers in handcuffs being escorted into the foster home.

"I DO NOT ACCEPT for a moment that this child (the alleged runaway) was taken by force" and held against her will by Straight, as state law forbids, Askew said.

The allegation about the handcuffs, he said, "is just totally unreasonable and far-fetched."

Askew's parents organization was formed last September. It currently has no members other than the nine persons who sit as corporate directors. Among them are St. Petersburg Police Chief

Mack M. Vines, Pinellas County Circuit Judge Jack Dadswell and Askew's wife Elizabeth.

"HRS is basically using this situation at Straight to raise its own credibility in this community," Askew charged.

HE SAID ROBERT G. Marshall, HRS district director, recently said "that HRS has sub-zero credibility in this community. Now, he said a mouthful when he said it, and I agree with him 100 per cent."

"I cannot say that Mr. Marshall has improperly handled the investigation," Askew continued. But "from what I read in the papers... I would say that my antennae are up and I very strongly suspect that Mr. Marshall is doing that... is improperly handling the investigation."

Without mentioning any other names, Askew criticized "a very liberal segment of HRS that's very influential. They aren't concerned about what I would consider the proper things in dealing with juvenile misbehavior."

REACHED IN TALLAHASSEE, Marshall said HRS is investigating Straight "for a very sincere reason... there was concern expressed about the safety of children (in the program)."

HRS began examining Straight after a series of articles in The St. Petersburg Times quoted a youth who claimed to have been beaten while enrolled there. While they were unable to prove any mistreatment allegations, state investigators found that Straight apparently had held some clients against their will, in violation of the law.

Askew also criticized that law.

"If the parent doesn't have the authority to say to the child, 'you will go to that program,' what else, what other recourse does the parent have other than just to let the teenager run wild?"

"SOMETIMES HRS, THE system, works and aids and abets delinquency and drug abuse," he said.

Parents can obtain "involuntary commitment" orders from a judge, but Askew commented, "how much litigation is this going to cause between parents and children?"

"I don't want to start an investigation of HRS. I'm not trying to trigger one off," he said. "But I'd be very interested in knowing what the various individuals in the community" think about HRS.

He urges persons with complaints about HRS to write him at P.O. Box 1581, St. Petersburg, 33731, or telephone 823-5746.

"I DON'T HAVE ANY qualms about putting a child in the Straight program," Askew said. "I think that the Straight program is one of the most effective drug programs we have in the state."

"I, as President of Parents Associated, would not send a child out there if I thought in any way that any of this type of thing was going on."

"All I see out there is a lot of love and concern for a bunch of teenagers that need help," he said.

FEB 4 '78

An aerial shot of the site of the

Sept. 26, 1976 — less than a month straight began treating juveniles — Executive Vice President Arthur W. Knight and Knight's original incorporator, Secretary to Assets resigned. In a letter, Blacknight warned that the corporation was not operating as required by Florida's charter and bylaws.

HERE ARE some of your insurance policy," wrote Blacknight, a St. Petersburg insurance agent. "Money is being handled by nonbonded employees and officers. 'Basic safety rules' had been developed by the corporation 'to protect others from unreasonable risk of bodily harm, damage,' he wrote.

When clients are admitted to Straight, they are housed in a warehouse off Park Street N. in St. Petersburg; their hair is usually cut by some of the juveniles residing, and Knight says that the corporation lacked the money to cover hair-cutting accidents. "I said he is an idiot if such accidents occurred in the corporation's current policy. But he doubted the need for coverage.

A hair-cutting accident has just happened," he said. "I could get hit while walking across the street."

Knight's wife Lela remained on the premises until last July, when she also resigned.

MAJOR DECISIONS involving the operation of Straight Inc. were made without the participation of board members or their approval, she wrote. Under state law, the corporation is legally responsible for Straight's actions. "Straight Inc., in my opinion, is not operating along the guidelines envisioned by its founders."

"They couldn't get their own eggs out of the nest," Hartz said of the disgruntled former directors. "They just wanted to run the place. They were upset that the program could be run so well without them."

"This board has come through some difficult problems, and people have left. People were trying to be so damned good. Any group would have this problem on any church board."



James Hartz: 'I really don't like digging up this garbage.'

After working in a Georgia rehabilitation program for retarded children, Hartz joined Straight in July 1976. He was recommended for the job by Fred Forsyth, then the state official in charge of licensing drug treatment programs in Pinellas. Forsyth since has left the post.

SOME FORMER board members say they were given the impression at one meeting that by hiring Hartz, Straight would be assured of a state license. But current board member Ray Waymire, widely respected for his work with juveniles, said Hartz's friendship with Forsyth was of no consideration in the hiring.

"I really don't like digging up this garbage," Hartz said. He said he tried to make the complaining directors happy — "we did everything we could."

He compared them to small children. "If they didn't get their candy, they would go home."



By WILLIAM NOTTINGHAM
St. Petersburg Times Staff Writer

Since Straight Inc. opened last year as Pinellas County's newest juvenile drug treatment program, at least six corporate directors have resigned to protest its management and treatment techniques.

One director has accused the nonprofit corporation of "misfeasance, malfeasance and nonfeasance." The brunt of the criticism has fallen on Executive Director James E. Hartz.

Hartz, 24, is a clinical psychologist with no prior experience in drug rehabilitation.

In a joint resignation last August, three directors said that neither Hartz nor Program Director Helen R. Petermann "have the necessary qualifications to rehabilitate preteens or teens who have a drug or alcohol problem. Furthermore, we feel we cannot recommend Straight Inc. to our friends or citizens of our community."

HARTZ AND Board President Melvin F. Sembler dispute the charges, calling the resignations insignificant.

"We've got nothing to hide — we're saving lives," says Sembler. "These individuals don't know how a board functions. Something must be right; we've got 200 kids in the program."

Sembler said several of the former directors were invited to discuss their grievances at a board meeting, but they declined.

A former program volunteer also says that she, Hartz and others once witnessed Mrs. Petermann maliciously kicking a youth who was passively resist-

St. Petersburg Times
— JOE TONELLI

STRAIGHT

Six directors have resigned, but drug program officials say lives are being saved

ing Straight officials.

Hartz flatly denies the incident, as does Mrs. Petermann.

"I sure wish they (the disgruntled former directors) would get off my back," Mrs. Petermann said. "They would like to see this (program) go down the drain."

USING PEEH-pressure behavioral modification on juveniles from 12 to 18, Straight was born after a heavily criticized treatment program known as The Seed left Pinellas in 1975.

Judges have sent many youths to Straight rather than to jail. Since it received a \$50,000 federal grant last year, the program has had 350 clients. Fifty-one have completed the program, and 110 have received "completes," meaning they were either withdrawn, referred to another agency or they ran away. The program charges parents a fee of \$100 per juvenile, but officials say the fee is not mandatory.

Youth authorities and parents have praised Straight as being an effective rehabilitation program run without the "pressure tactics" associated with The Seed.

But former director Theodore Anderson of St. Petersburg disagrees. "It (Straight) has many of the poor points of the Seed and few of the good points. If I had to recommend one (program), I'd recommend The Seed."

"They (juveniles) are 'straight' while they're there, but it's out of fear," said Carolyn Henson, a

former program volunteer and wife of former director L. Hap Henson.

SHE SAID several former program directors and clients have told her that juveniles have been mistreated while in Straight.

Hartz said that rumors of mistreatment cover up the surface about the drug program, but no incident has ever been proven.

He acknowledges that three basic techniques are used to discipline "disruptive" clients:

- ✓ "Time out," known by some clients as "solitary confinement," consists of placing a juvenile in a room by himself, while a staff member stands outside and periodically checks to see if the client will report.
- ✓ One 16-year-old former Straight client claimed he was kept in "solitary" for five days in a row. For three of those days, she says, his arms and legs were secured by large strips of canvas. Hartz denies the charges.
- ✓ "Hitting," where juveniles are "earbanded" forcibly if necessary.

Several persons interviewed by The St. Petersburg Times say they saw clients kicked, grabbed by the hair and otherwise roughly treated during the "exercises." Hartz also denies these allegations.

as "come downs," where a group of counselors say remarks designed to provoke the client into losing his cool.

See STRAIGHT, 2

Family swears by Straight, youth says he was beaten there — two views, 2-B.

federal register

TUESDAY, JULY 1, 1975

WASHINGTON, D.C.

Volume 40 ■ Number 127

PART IV



DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

■

CONFIDENTIALITY OF ALCOHOL AND DRUG ABUSE PATIENT RECORDS

General Provisions

RULES AND REGULATIONS

Title 42—Public Health

CHAPTER I—PUBLIC HEALTH SERVICE,
DEPARTMENT OF HEALTH, EDUCATION,
AND WELFARE

SUBCHAPTER A—GENERAL PROVISIONS

PART 2—CONFIDENTIALITY OF ALCOHOL
AND DRUG ABUSE PATIENT RECORDS

On May 9, 1975, the Department of Health, Education, and Welfare and the Special Action Office for Drug Abuse Prevention published in the FEDERAL REGISTER (40 FR 20522) a notice of proposed joint rulemaking setting forth a proposed new Part 2 of Title 42 of the Code of Federal Regulations governing the confidentiality of alcohol and drug abuse patient records.

Interested persons were invited to submit written comments, views, or arguments with respect to the proposed regulations within 30 days of the date of publication of that notice. All comments so submitted were carefully considered, and at various stages in the rulemaking process, the Administrator of Veterans' Affairs and the heads of other Federal departments and agencies substantially affected by the proposed regulations were consulted.

As finally adopted and set forth hereinafter, the regulations contain two major substantive changes from the May 9 proposal. The separate treatment of funding sources and third-party payers (§§ 2.21 and 2.37 of the proposed regulations) was abandoned as unworkable, primarily because the prohibitions which the proposed regulations would have placed on funding sources would have directly conflicted with requirements which have been proposed in implementation of Title XX of the Social Security Act (see proposed 45 CFR 228.63, 40 FR 16802, 16809, April 14, 1975). In lieu of this approach, § 2.37 has been revised to provide that funding sources and third-party payers maintaining drug or alcohol abuse patient records are subject to restrictions upon disclosure to the same extent and in the same manner as any other entity maintaining records which are within the scope of the authorizing legislation and this Part.

The other major change is in the area of criminal justice system referrals, and the grounds for the rules finally adopted are set forth in the basis and purpose section (§ 2.39-1) pertaining thereto. In connection with that change, it must be frankly acknowledged that the arguments set forth in the corresponding basis and purpose section (§ 2.40-1) of the May 9 proposal have merit. The final rule may in certain instances result in a compromise of the treatment process, if judges or other authorities in the criminal justice system overreact to information whose communication is allowed under the final rules but would have been prohibited under the proposed rules.

Against such an adverse effect, however, there must be weighed the very real advantage which genuine cooperation between community social service systems and the criminal justice system can yield for those whose lives are crippled and scarred by the consequences of their own

criminal conduct. Governmental responses based on a pure medical model have not met with noticeably greater success than those based on a purely punitive approach, and it would be tragic if these rules were so constructed as to become a barrier to the development of better ways to deal with those who are caught up in a pattern of seriously antisocial behavior.

In addition to the foregoing major changes, the following minor policy changes were made.

Provisions relating to destruction or other disposition of records were dropped from § 2.21 (§ 2.22 in the May 9 proposal) as unnecessary except in the case of programs discontinuing operations.

The fixed limitation on the permissible duration of written consent for disclosure was dropped from § 2.31 in favor of a limitation to such duration as may be reasonably necessary to effectuate the purpose for which the consent is given.

The specification of crimes in § 2.65 for which a court order may be granted authorizing use of program records in the investigation or prosecution of a patient was broadened to cover any "extremely serious" crime, with those listed in the May 9 notice being retained as examples.

Finally, a number of clarifying, technical, and conforming changes were made in the May 9 proposal, but these are without significant substantive effect.

Accordingly, pursuant to the authority of section 408 of the Drug Abuse Office and Treatment Act of 1972, as amended by Pub. L. 92-282 (21 U.S.C. 1175), and section 333 of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970, as amended by Pub. L. 93-282 (42 U.S.C. 4582), and under the authority delegated to the General Counsel of the Special Action Office for Drug Abuse Prevention (39 FR 17901, May 21, 1974), Subchapter A of Chapter I, Title 42, Code of Federal Regulations, is amended by inserting immediately after Part 1 thereof a new Part 2 to read as set forth below.

Effective date. These regulations shall be effective on August 1, 1975.

Dated: June 25, 1975.

R. MOURE,
*Acting Assistant Secretary for
Health, Department of
Health, Education, and Wel-
fare.*

Approved: June 26, 1975.

CASPAR W. WEINBERGER,
*Secretary of Health, Education,
and Welfare.*

Dated: June 27, 1975.

GRASTY CREWS II,
*General Counsel, Special Action
Office for Drug Abuse Preven-
tion.*

Dated: June 27, 1975.

ROBERT L. DUPONT,
*Director, Special Action Office
for Drug Abuse Prevention.*

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Subpart A—Introductory Statement

§ 2.1 Statutory authority—drug abuse.

(a) *Statutory provisions effective May 14, 1974.* Insofar as the provisions of this part pertain to any program or activity relating to drug abuse education, training, treatment, rehabilitation, or research, such provisions are authorized under section 408 of Pub. L. 92-255, the Drug Abuse Office and Treatment Act of 1972 (21 U.S.C. 1175) as amended by section 303 of Pub. L. 93-282 (88 Stat. 137). That section reads as follows:

§ 408. Confidentiality of patient records.

(a) Records of the identity, diagnosis, prognosis, or treatment of any patient which are maintained in connection with the performance of any drug abuse prevention function conducted, regulated, or directly or indirectly assisted by any department or agency of the United States shall, except as provided in subsection (c), be confidential and be disclosed only for the purposes and under the circumstances expressly authorized under subsection (b) of this section.

(b) (1) The content of any record referred to in subsection (a) may be disclosed in accordance with the prior written consent of the patient with respect to whom such record is maintained, but only to such extent, under such circumstances, and for such purposes as may be allowed under regulations prescribed pursuant to subsection (g).

(2) Whether or not the patient, with respect to whom any given record referred to in subsection (a) of this section is maintained, gives his written consent, the content of such record may be disclosed as follows:

(A) To medical personnel to the extent necessary to meet a bona fide medical emergency.

(B) To qualified personnel for the purpose of conducting scientific research, management audits, financial audits, or program evaluation, but such personnel may not identify, directly or indirectly, any individual patient in any report of such research, audit, or evaluation, or otherwise disclose patient identities in any manner.

(C) If authorized by an appropriate order of a court of competent jurisdiction granted after application showing good cause therefor. In assessing good cause the court shall weigh the public interest and the need for disclosure against the injury to the patient, to the physician-patient relationship, and to the treatment services. Upon the granting of such order, the court, in determining the extent to which any disclosure of all or any part of any record is necessary, shall impose appropriate safeguards against unauthorized disclosure.

(c) Except as authorized by a court order granted under subsection (b) (2) (C) of this section, no record referred to in subsection (a) may be used to initiate or substantiate any criminal charges against a patient or to conduct any investigation of a patient.

(d) The prohibitions of this section continue to apply to records concerning any individual who has been a patient, irrespective of whether or when he ceases to be a patient.

(e) The prohibitions of this section do not apply to any interchange of records—

(1) within the Armed Forces or within those components of the Veterans' Administration furnishing health care to veterans, or

(2) between such components and the Armed Forces.

(f) Any person who violates any provision of this section or any regulation issued pursuant to this section shall be fined not more than \$500 in the case of a first offense, and not more than \$5,000 in the case of each subsequent offense.

(g) The Director of the Special Action Office for Drug Abuse Prevention, after consultation with the Administrator of Veterans' Affairs and the heads of other Federal departments and agencies substantially affected thereby, shall prescribe regulations to carry out the purposes of this section. These regulations may contain such definitions, and may provide for such safeguards and procedures, including procedures and criteria for the issuance and scope of orders under subsection (b) (2) (C), as in the judgment of the Director are necessary or proper to effectuate the purposes of this section, to prevent circumvention or evasion thereof, or to facilitate compliance therewith.

(b) *Amendments effective June 30, 1975.* Effective on the date specified in section 104 of the Drug Abuse Office and Treatment Act of 1972 (June 30, 1975), the first sentence of section 408(g) above, will be amended by striking "Director of the Special Action Office for Drug Abuse Prevention" and inserting in lieu thereof "Secretary of Health, Education, and Welfare", and the second sentence of such section will be amended by striking "Director" and inserting "Secretary" in lieu thereof. Also effective on that date, section 408, above, will be further amended by (1) striking out "The" and inserting in lieu thereof "Except as provided in subsection (h) of this section, the" in the first sentence of subsection (g) of such section; and (2) adding at the end of such section the following new subsection:

(h) The Administrator of Veterans' Affairs, through the Chief Medical Director, shall, to the maximum feasible extent consistent with their responsibilities under title 38, United States Code, prescribe regulations making applicable the regulations established by the Secretary under subsection (g) of this section to records maintained in connection with the provision of hospital care, nursing home care, domiciliary care, and medical services under such title 38 to veterans suffering from drug abuse. In prescribing and implementing regulations pursuant to this subsection, the Administrator shall, from time to time, consult with the Secretary in order to achieve the maximum possible coordination of the regulations, and the implementation thereof, which they each prescribe.

§ 2.2 Statutory authority—alcohol abuse.

Insofar as the provisions of this part pertain to any program or activity relating to alcoholism or alcohol abuse education, training, treatment, rehabilitation, or research, such provisions are authorized under section 333 of Pub. L. 91-616, the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (42 U.S.C. 4582), as amended by section 122(a) of Pub. L. 93-282, the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act Amendments of 1974 (88 Stat. 131). As so amended, that section reads as follows:

CONFIDENTIALITY OF RECORDS

SEC. 333. (a) Records of the identity, diagnosis, prognosis, or treatment of any patient which are maintained in connection with the performance of any program or activity relating to alcoholism or alcohol abuse education, training, treatment, rehabilitation, or research, which is conducted, regulated, or directly or indirectly assisted by any department or agency of the United States shall, except as provided in subsection (e), be confidential and be disclosed only for the purposes and under the circumstances expressly authorized under subsection (b) of this section.

(b) (1) The content of any record referred to in subsection (a) may be disclosed in accordance with the prior written consent of the patient with respect to whom such record is maintained, but only to such extent, under such circumstances, and for such purposes as may be allowed under regulations prescribed pursuant to subsection (g).

(2) Whether or not the patient, with respect to whom any given record referred to in subsection (a) of this section is maintained, gives his written consent, the content of such record may be disclosed as follows:

(A) To medical personnel to the extent necessary to meet a bona fide medical emergency.

(B) To qualified personnel for the purpose of conducting scientific research, management audits, financial audits, or program evaluation, but such personnel may not identify, directly or indirectly, any individual patient in any report of such research, audit, or evaluation, or otherwise disclose patient identities in any manner.

(C) If authorized by an appropriate order of a court of competent jurisdiction granted after application showing good cause therefor. In assessing good cause the court shall weigh the public interest and the need for disclosure against the injury to the patient, to the physician-patient relationship, and to the treatment services. Upon the granting of such order, the court, in determining the extent to which any disclosure of all or any part of any record is necessary, shall impose appropriate safeguards against unauthorized disclosure.

(c) Except as authorized by a court order granted under subsection (b) (2) (C) of this section, no record referred to in subsection (a) may be used to initiate or substantiate any criminal charges against a patient or to conduct any investigation of a patient.

(d) The prohibitions of this section continue to apply to records concerning any individual who has been a patient, irrespective of whether or when he ceases to be a patient.

(e) The prohibitions of this section do not apply to any interchange of records—

(1) within the Armed Forces or within those components of the Veterans' Administration furnishing health care to veterans, or

(2) between such components and the Armed Forces.

(f) Any person who violates any provision of this section or any regulation issued pursuant to this section shall be fined not more than \$500 in the case of a first offense, and not more than \$5,000 in the case of each subsequent offense.

(g) Except as provided in subsection (h) of this section, the Secretary shall prescribe regulations to carry out the purposes of this section. These regulations may contain such definitions, and may provide for such safeguards and procedures, including procedures and criteria for the issuance and scope of orders under subsection (b) (2) (C), as in the judgment of the Secretary are necessary or proper to effectuate the purposes of this section, to prevent circumvention or evasion thereof, or to facilitate compliance therewith.

(h) The Administrator of Veterans' Affairs, through the Chief Medical Director, shall, to the maximum feasible extent consistent with their responsibilities under title 38, United States Code, prescribe regulations making applicable the regulations prescribed by the Secretary under subsection (g) of this section to records maintained in connection with the provision of hospital care, nursing home care, domiciliary care, and medical services under such title 38 to veterans suffering from alcohol abuse or alcoholism. In prescribing and implementing regulations pursuant to this subsection, the Administrator shall, from time to time, consult with the Secretary in order to achieve the maximum possible coordination of the regulations, and the implementation thereof, which they each prescribe.

§ 2.3 Previous regulations as controlling authority.

Attention is called to the interpretative regulations, issued by the Special Action Office for Drug Abuse Prevention (37 FR 24636, November 17, 1972; as revised 38 FR 33744, December 6, 1973, referred to hereinafter in this part as the "previous regulations"). Those regulations have been given a special status as controlling authority by the provisions of section 303(d) of Pub. L. 93-282, as well as the references in the legislative history of that act to the precedents established under section 408 of Pub. L. 92-255. Such references appear at page 11 of House Committee Report No. 93-759 and at page H3563 of the Congressional Record for May 6, 1974. The latter citation is to a detailed analysis of the bill in its final form which was submitted for the Record by its floor manager, Chairman Staggers of the Interstate and Foreign Commerce Committee, when the bill was up for final action by the House of Representatives.

§ 2.4 General purposes.

(a) *Policy objectives.* The purpose of the regulations set forth in this part is to implement the authorizing legislation in a manner that, to the extent practicable, takes into account two streams of legal thought and social policy. One has to do with enhancing the quality and attractiveness of treatment systems. The other is concerned with the interests of patients as citizens, most particularly in regard to protecting their rights of privacy. Within each stream there are cross-currents, and it should come as no surprise that areas of turbulence are to be found at their confluence.

(b) *Limited purpose.* The regulations contained in this part are not intended to direct the manner in which substantive functions, such as research, treatment, and evaluation, should be carried out, but rather to define the minimum requirements for the protection of confidentiality of patient records which must be satisfied in connection with the conduct of those functions in order to carry out the purposes of the authorizing legislation. This does not mean that observance of only the minimum legal requirements is always the wisest course, but in framing these regulations, allowance has necessarily been made for a diversity of emphasis and approach in the many different jurisdictions and by the great variety of public and private agencies which must find a way to function within the limits here prescribed.

§ 2.5 Format.

(a) *Basis and purpose sections.* Each section setting forth rules on any given topic in Subparts B through E of this part is followed by a section setting forth their basis and purpose. In many cases, the basis and purpose section is itself an interpretative rule regarding the legal authority of the rulemakers. In other instances, it summarizes historical or

evidentiary material relevant to the validity and interpretation of the section which precedes it.

(b) *Statutory rules fully incorporated.* Although, for convenience of reference, the statutory basis for this part is set out in full in §§ 2.1 and 2.2, the regulations in Subparts B through E of this part are intended to include all of the operative statutory provisions.

§ 2.6 Administration and enforcement in general.

It is not contemplated that any particular agency will be set up specifically to enforce compliance with this part. Programs which receive Federal grants may be monitored for compliance with this and other applicable Federal law as an incident to the grant administration process. Similarly, FDA inspections of methadone programs will include inspection for compliance with this part, which is incorporated by reference in the methadone regulation (21 CFR 310.505).

§ 2.7 Reports of violations.

Any violation may be reported to the United States Attorney for the judicial district in which the violation occurs. Violations on the part of methadone programs may be reported to the regional offices of the Food and Drug Administration. Violations on the part of a Federal grantee or contractor may be reported to the Federal agency monitoring the grant or contract.

Subpart B—General Provisions

§ 2.11 Definitions and usages.—Rules.

(a) *Authorizing legislation.* The term "authorizing legislation" means section 408 of the Drug Abuse Office and Treatment Act of 1972 (21 U.S.C. 1175) and section 333 of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970 (42 U.S.C. 4582), as such sections may be amended and in effect from time to time.

(b) *Construction of terms.* The definitions and rules of construction set forth in this section are applicable for the purposes of this part. To the extent that they refer to terms used in the authorizing legislation, they are also applicable for the purposes of such legislation.

(c) *Alcohol abuse.* The term "alcohol abuse" includes alcoholism.

(d) *Drug abuse.* The term "drug abuse" includes drug addiction.

(e) *Diagnosis and treatment.* The terms "diagnosis" and "treatment" include interviewing, counselling, and any other services or activities carried on for the purpose of or as an incident to diagnosis, treatment, or rehabilitation with respect to drug abuse or alcohol abuse, whether or not conducted by a member of the medical profession.

(f) *Program.*

(1) The term "program", when referring to an individual or organization, means either an individual or an organization furnishing diagnosis, treatment, or referral for alcohol abuse or drug abuse.

(2) The term "program", when not used in the sense defined in paragraph (f) (1), means a plan or procedure, whether functional or organizational, and whether or not governmental, for dealing with alcohol abuse or drug abuse problems from either an individual or a social standpoint.

(g) *Program evaluation.*

The term "program evaluation" means an evaluation of—

(1) The effectiveness, efficiency, compliance with applicable therapeutic, legal, or other standards, or other aspects of the performance, of a program as defined in paragraph (f) (1) of this section, or

(2) The validity, effectiveness, efficiency, practicability, or other aspects of the utility or success of a program in the sense defined in paragraph (f) (2) of this section.

(h) *Program director.* The term "program director" in the case of a program which is an individual means that individual, and in the case of a program which is an organization, the individual, if any, who is the principal, or, in the case of organizations consisting of partners or under the control of a board of directors, board of trustees or other governing body, the individual designated as program director, managing director, or otherwise vested with executive authority with respect to the organization.

(i) *Patient.* The term "patient" means any individual (whether referred to as a patient, client, or otherwise) who has applied for or been given diagnosis or treatment for drug abuse or alcohol abuse and includes any individual who, after arrest on a criminal charge, is interviewed and/or tested in connection with drug or alcohol abuse preliminary to a determination as to eligibility to participate in a treatment or rehabilitation program.

(j) *Patient identifying information.* The term "patient identifying information" means the name, address, social security number, or similar information by which the identity of a patient can be determined with reasonable accuracy and speed either directly or by reference to other publicly available information. The term does not include a patient identifying number assigned by a program.

(k) *Alcohol abuse or drug abuse prevention function.* The term "alcohol abuse or drug abuse prevention function" means any program or activity relating to alcohol abuse or drug abuse education, training, treatment, rehabilitation, or research, and includes any such function even when performed by an organization whose primary mission is in the field of law enforcement or is unrelated to alcohol or drugs.

(l) The term "person" means an individual, a partnership, a corporation, a trust, a Federal or State governmental agency, or any other legally cognizable entity.

(m) *Service organization.* The term "service organization" means a person which provides services to a program such as data processing, dosage prepara-

tion, laboratory analyses, or legal, medical, accounting, or other professional services.

(n) *Qualified service organization.* The term "qualified service organization" means a service organization which has entered into a written agreement with a program pursuant to which the service organization—

(1) acknowledges that in receiving, storing, processing, or otherwise dealing with any information from the program about patients in the program, it is fully bound by the provisions of this part;

(2) undertakes to institute appropriate procedures for safeguarding such information, with particular reference to patient identifying information; and

(3) undertakes to resist in judicial proceedings any efforts to obtain access to information pertaining to patients otherwise than as expressly provided for in this part.

(o) *Records.* The term "records" includes any information, whether recorded or not, relating to a patient, received or acquired in connection with the performance of any alcohol abuse or drug abuse prevention function, whether such receipt or acquisition is by a program, a qualified service organization, or any other person.

(p) *Communications not constituting disclosure.* The following types of communications do not constitute disclosures of records:

(1) Communications of information within a program between or among personnel having a need for such information in connection with their duties.

(2) Communications between a program and a qualified service organization of information needed by the organization to perform its services to the program.

(3) Communications of information which includes neither patient identifying information nor identifying numbers assigned by the program to patients.

(q) *Previous regulations.* The term "previous regulations" refers to the interpretative regulations issued by the Special Action Office for Drug Abuse Prevention, originally published November 17, 1972, 37 FR 24636, as revised December 6, 1973, 38 FR 33744.

(r) *State law.* The term "State law" refers to the law of a State or other jurisdiction, such as the District of Columbia, as distinguished from Federal law in general. As applied to transactions which do not take place in any State or other similar jurisdiction, the term refers to Federal common law as modified by any applicable Federal statutes and regulations.

(s) *Third party payer.* The term "third party payer" means any organization (or person acting as agent or trustee for an organization or fund) which pays or agrees to pay for diagnosis or treatment furnished or to be furnished to a particular individual, where such payment or agreement to pay is on the basis of an individual relationship between the payer and the patient (or a member of the patient's family in

the case of self-and-family insurance coverage or similar arrangements) evidenced by a contract, an insurance policy, a certificate of membership or participation, or similar documentation.

(t) *Funding source.* The term "funding source" means any individual or any public or private organization, including any Federal, State, or local governmental agency, which makes payments in support of a program. A funding source is not, as such, a third party payer, even where its payment are based directly or indirectly on the program's patient load with or without respect to specified categories of eligible persons.

(u) *August 22, 1974 draft.* References to the "August 22, 1974 draft" are to the draft regulations set out in the Advance Notice of Proposed Joint Rulemaking published in the FEDERAL REGISTER on August 22, 1974, 39 FR 30426, by the Department of Health, Education, and Welfare and the Special Action Office for Drug Abuse Prevention.

§ 2.11-1 Definitions and usages.—Basis and purpose.

(a) *In general.* The definitions are based upon the legislative history of and experience with the authorizing legislation, and are intended as aids to construing the provisions of this part to carry out the purposes of those statutes.

(b) *Coverage of applicants for treatment.* Section 2.11(f) is intended to make it clear that records of the identity and other information about a person whose application is rejected or withdrawn are fully as much covered by this part as records pertaining to a patient actually accepted for treatment.

(c) *Program terminology for patients not controlling.* While many programs prefer to use "client" or some other term instead of "patient" to describe the recipients of their services, it is believed preferable to use terminology in this part which is consistent with that used in the authorizing legislation. It should be clearly understood, however, that the records of any individual who fits the definition set forth in § 2.11(f) are covered, no matter what terminology the program may use to designate his status.

(d) *Origin of "prevention function" terminology.* The definition of alcohol abuse or drug abuse prevention function in § 2.11(k) is adapted from the definition of drug abuse prevention function in section 103(b) of the Drug Abuse Office and Treatment Act of 1972 (21 U.S.C. 1103(b)). Although there was no corresponding defined term available to the draftsman of the 1974 amendment to section 333 of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970 (42 U.S.C. 4582), it is clear from the legislative history that the coverage of alcohol abuse patient records was intended to be fully as wide as the coverage of drug abuse patient records, and the definition in § 2.11(k) reflects that intention.

(e) *Ambiguity of the term "program".* It is recognized that it is ordinarily poor drafting technique to use the same term

in senses which are as different, yet related, as those in §§ 2.11(f)(1) and 2.11(f)(2). This part, however, has to be read both in conjunction with the Food and Drug Administration's Methadone Regulation and the Drug Abuse Office and Treatment Act of 1972. The Methadone Regulation (21 CFR 310.505) clearly uses the term "program" in the § 2.11(f)(1) sense. In section 103(b) of the Act (21 U.S.C. 1103(b)), it is clearly used in the § 2.11(f)(2) sense, and the usage in section 408(b)(2)(B) of the Act has from its original enactment been administratively interpreted to include both senses. As used in this part, the context should indicate the intended meanings with sufficient clarity to make this preferable to creating and defining new terminology which would be different from that used in related regulations and the authorizing legislation.

(f) *Construction of disclosures.* Section 2.11(p) is intended to clarify the status of communications which are carried on within a program or between a program and persons or organizations which are assisting it in providing patient care. The authorizing legislation was not intended to prohibit programs from carrying on accepted practices in terms of obtaining specialized services from outside organizations. In conjunction with the definition of qualified service organizations, set forth in § 2.11(n), the provisions of § 2.11(p) should prevent the development of abuses in this area.

§ 2.12 Applicability.—Rules.

(a) *In general.* Except as provided in paragraph (b) of this section, this part applies to records of the identity, diagnosis, prognosis, or treatment of any patient which are maintained in connection with the performance of any alcohol abuse or drug abuse prevention function—

(1) Which is conducted in whole or in part, whether directly or by grant, contract, or otherwise, by any department or agency of the United States,

(2) For the lawful conduct of which in whole or part any license, registration, application, or other authorization is required to be granted or approved by any department or agency of the United States,

(3) Which is assisted by funds supplied by any department or agency of the United States, whether directly through a grant, contract, or otherwise, or indirectly by funds supplied to a State or local government unit through the medium of contracts, grants of any description, general or special revenue sharing, or otherwise, or

(4) Which is assisted by the Internal Revenue Service of the Department of the Treasury through the allowance of income tax deductions for contributions to the program conducting such function, or by a way of a tax-exempt status for such program.

(b) *Armed Forces and Veterans' Administration.*

(1) The provisions of this part do not apply to any interchange, entirely with-

in the Armed Forces, within those components of the Veterans' Administration furnishing health care to veterans, or between such components and the Armed Forces, of records pertaining to a person relating to a period when such person is or was subject to the Uniform Code of Military Justice.

(2) Except as provided in paragraph (b)(1) of this section, this part applies to any communication between any person outside the Armed Forces and any person within the Armed Forces.

(3) Except as provided in paragraph (b)(1) of this section, this part applies, insofar as it pertains to any drug abuse prevention function, to any communication between any person outside those components of the Veterans' Administration furnishing health care to veterans and any person within such components, until such date as the Secretary of Health, Education and Welfare exercises his authority (conferred by an amendment effective June 30, 1975) to prescribe regulations under section 408 of Pub. L. 92-255 (21 U.S.C. 1175). After such date, this part applies thereto to such extent as the Administrator of Veterans' Affairs, through the Chief Medical Director, by regulation makes the provisions of this part applicable thereto.

(4) Except as provided in paragraph (b)(1) of this section, this part applies, insofar as it pertains to any alcohol abuse prevention function, to any communication between any person outside those components of the Veterans' Administration furnishing health care to veterans and any person within such components, to such extent as the Administrator of Veterans' Affairs, through the Chief Medical Director, by regulation makes the provisions of this part applicable thereto.

(c) *Period covered as affecting applicability.* The provisions of this part apply to records of identity, diagnosis, prognosis, or treatment pertaining to any given individual maintained over any period of time which, irrespective of when it begins, does not end before March 21, 1972, in the case of diagnosis or treatment for drug abuse or before May 14, 1974, in the case of diagnosis or treatment for alcohol abuse.

(d) *Applicability determined by nature and purpose of records.* The applicability of the provisions of this part is determined by the nature and purpose of the records in question, and not by the status or primary functional capacity of the recordkeeper.

§ 2.12-1 Applicability.—Basis and purpose.

(a) The broad coverage provided by § 2.12(a) is appropriate in the light of the remedial purposes of the statutes as well as the practical desirability of certainty and uniformity. Sections 2.12(a)(1) and 2.12(a)(2) simply follow the terms of subsection (a) of the statutes, with some explanatory material for the sake of clarity and explicitness.

(b) Sections 2.12(a)(3) and 2.12(a)(4) are based upon the use by Congress of the phrase "directly or indirectly as-

sisted by any department or agency of the United States". In the light of the multiplicity and extent of Federal programs and policies which can be of assistance to drug and alcoholism programs, this wording strongly suggests an intention to provide the broadest coverage consistent with the literal terms of the statutes. Many programs commence with direct Federal assistance, financial, technical, or both, and later continue with State aid and private, tax-deductible contributions. It would be manifestly contrary to the general policy sought to be effectuated by the legislation if the confidential status of a program's records were to terminate, or even be called into question, by the cessation of direct Federal assistance.

(c) With regard to § 2.12(a)(3), it seems clear that whenever a State or local government is assisted by the Federal government by way of revenue sharing or other unrestricted grants, all of the programs and activities of the State or local government are thereby indirectly assisted, and thus meet that aspect of the statutory criteria for coverage.

(d) Section 2.12(a)(4) follows the doctrine established in *McGlotten v. Connally*, 338 F. Supp. 448 (D.C. D.C., 1972), in which it was held that the deductible status of contributions to an organization constitutes "Federal financial assistance" within the meaning of section 601 of the 1964 Civil Rights Act (42 U.S.C. 2000d). The inclusion of the adjective "indirect" as a modifier of the term "assistance" as used in the provisions of law authorizing this part suggests an intention to provide coverage at least as broad, if not broader than, section 601 of the Civil Rights Act in respect of financial assistance. See, also, *Green v. Connally*, 330 F. Supp. 1150 (D.C. D.C., 1971) aff'd sub. nom. *Cott v. Green*, 404 U.S. 997, 92 S. Ct. 564, 30 L. Ed. 2d 550 (1971).

(e) Section 2.12(b) essentially repeats the interpretation given in § 1401.02(b) of the previous regulation except that it takes account of the special provisions inserted in the new law with reference to the Veterans Administration, and makes clear that the exemption for communications within the military-VA system does not generally apply to records pertaining to civilians.

(f) Section 2.12(c), which deals with the question of how the period covered by any given set of records affects the applicability of these regulations to them, restates the principle set forth in § 1401.02(a) of the previous regulations, and applies it to records in the field of alcohol abuse as well as drug abuse. The authorizing legislation contains no effective date provisions. A construction which would apply the statutes to records of completely closed treatment episodes, records necessarily made and maintained prior to the enactment of the legislation, would create serious administrative problems. It seems doubtful, in any case, whether such records have been "maintained," within the meaning of the statutes, during any period of time after their enactment. On the other hand, if

treatment is actually carried on after the enactment of the applicable statute, then all the records should be covered irrespective of when treatment was begun, because such records clearly are being "maintained" after the enactment of the legislation.

(g) Section 2.13(d) has been included to make explicit one of the legal implications of the authorizing legislation, which is cast in terms descriptive of the records which are to be confidential rather than of the recordkeepers on whom a duty is thus imposed. The result is that, for example, where a State agency maintains an individual client record which contains identifying information about a client (i.e., patient) receiving treatment or rehabilitation services for drug abuse, such a record is clearly a record maintained in connection with a drug abuse prevention function, and is subject to the provisions of this part. The fact that the record may also be required by statute or regulations pertaining to eligibility for Federal Financial Participation would in no way exempt the record from the prohibitions and requirements of this part. Thus, it would be unlawful and a violation of these regulations for such a record to be made available to a law enforcement agency, or to determine (without the prior written consent of the client) eligibility for other welfare benefits, or for any other administrative or investigative uses or purposes which would involve or result in an identification of the client to a third party.

§ 2.13 General rules regarding confidentiality.—Rules.

(a) *In general.* Records to which this part applies shall be confidential and may be disclosed only as authorized by this part, and may not otherwise be divulged in any civil, criminal, administrative, or legislative proceeding conducted by any Federal, State, or local authority, whether such proceeding is commenced before or after the effective date of this part.

(b) *Unconditional compliance required.* The prohibition upon unauthorized disclosure applies irrespective of whether the person seeking disclosure already has the information sought, has other means of obtaining it, enjoys official status, has obtained a subpoena, or asserts any other justification or basis for disclosure not expressly authorized under this part.

(c) *Information covered by prohibition.* The prohibition on unauthorized disclosure covers all information about patients, including their attendance or absence, physical whereabouts, or status as patients, whether or not recorded; in the possession of program personnel, except as provided in paragraph (d) of this section.

(d) *Crimes on program premises or against program personnel.* Where a patient commits or threatens to commit a crime on the premises of the program or against personnel of the program, nothing in this part shall be construed as prohibiting personnel of the program from seeking the assistance of, or re-

porting such crime to, a law enforcement agency, but such report shall not identify the suspect as a patient. In any such situation, immediate consideration should be given to seeking an order under Subpart E of this part to permit the disclosure of such limited information about the patient as may be necessary under the circumstances.

(e) *Implicit and negative disclosures prohibited.* The disclosure that a person (whether actual or fictitious) answering to a particular description, name, or other identification is not or has not been attending a program, whether over a period of time or on a particular occasion, is fully as much subject to the prohibitions and conditions of this part as a disclosure that such a person is or has been attending such a program. Any improper or unauthorized request for any disclosure of records or information subject to this part must be met by a non-committal response.

(f) *In-patients and residents.* The presence of any in-patient in a medical facility or resident in a residential facility for the treatment of drug or alcohol abuse may be acknowledged to callers and visitors with his written consent. Without such consent, the presence of any in-patient or resident in a facility for the treatment of a variety of conditions may be acknowledged if done in such a way as not to indicate that the patient is being treated for drug or alcohol abuse.

§ 2.13-1 General rules regarding confidentiality.—Basis and purpose.

(a) Section 2.13(a) enunciates the general principle of the statutory provisions, and is unchanged from § 1401.03 of the previous regulations.

(b) Sections 2.13(b) and 2.13(c) have been added on the basis of written comments on the draft regulations published August 22, 1974, in which there was a documented report that counsel for a program had advised the program that it could furnish information to the FBI about patients without their written consent and without completing a full judicial proceeding in accordance with Subpart E of this part. Sections 2.13(b) and 2.13(c) should clarify the original intent of the statutes and regulations to the extent of precluding such errors in the future.

(c) In the situation described in § 2.13(d), the desirability of the general prophylactic rule prohibiting disclosures by program personnel about patients regardless of whether such disclosures are from a written record must yield to the practical necessity to permit protection from, and prompt reporting of, criminal acts. In the preface to the first set of regulations issued under 21 U.S.C. 1175, it was emphasized that the operation of that section "in no way creates a sanctuary for criminals." (37 FR 24636, November 17, 1972). Section 2.13(d) is consistent with that contemporaneous administrative construction.

(d) Section 2.13(e) is adapted from § 1401.11 of the August 22, 1974 draft. The suggestion that this part be cited when declining to give information has

been deleted on the basis of comments that correctly pointed out that such a citation, if given by an institution or program maintaining some records covered by this part and some not, would serve to identify the records inquired about as pertaining to treatment covered by this part.

Section 2.13(f) merely clarifies the effect of the preceding paragraphs in the special situations to which paragraph (f) relates.

§ 2.14 Penalty for violations.—Rules.

(a) *Penalty provided by law.* Any person who violates any provision of the authorizing legislation or any provision of this part shall be fined not more than \$500 in the case of a first offense, and not more than \$5,000 in the case of each subsequent offense.

(b) *Application to subsequent offenses.* Where a defendant has committed one offense under either section authorizing this part or any provision of this part authorized by that section, any offense thereafter committed under the same section or any provision of this part authorized under that section shall be treated as a subsequent offense.

§ 2.14-1 Penalty for violations.—Basis and purpose.

(a) Section 2.14 states the criminal penalty provided for in subsection (f) of the sections authorizing this part. It is included in this part for convenience and completeness. Some of the comments received on this section when originally proposed suggested that criminal penalties for violation should include imprisonment, but such a change would have to be made by legislation rather than rulemaking.

(b) Section 2.14(b) clarifies the intention that the "subsequent offense" need not be identical to the first offense, as long as it is committed with respect to the same statutory section. For example, a person whose first offense had consisted of improperly releasing the name of a patient in an alcoholism treatment program would be punishable for a "subsequent offense" if he later gives out information from the diagnostic work-up of an alcoholism patient.

§ 2.15 Minor patients.—Rules.

(a) *Definition of minor.* The term "minor" means a person who has not attained the age of 18 years or, in a State where a different age is expressly provided by State law as the age at which a person ceases to be a minor, the age prescribed by the law of such State.

(b) *Consent to disclosure in general.* Except as provided in paragraph (c), where consent is required for any disclosure under this part, such consent in the case of a minor must be given by both the minor and his parent, guardian, or other person authorized under State law to act in his behalf, but any disclosure made after the patient has ceased to be a minor may be consented to only by the patient.

(c) *Rule when State law authorizes treatment without parental consent.* Whenever a patient, acting alone, has the