

**Pennsylvania Opioid Misuse and Addiction Abatement Trust
Dispute Resolution Committee Public Meeting
November 12, 2025 | 3:15 PM | Virtual**

MINUTES

DRC Member Attendees (6):

- Chair Tom VanKirk
- Tumar Alexander
- Commissioner Kevin Boozel
- Stuart Fisk
- Shea Madden
- Commissioner Robert Postal

DRC Members Not Attending (1):

- Senator Christine Tartaglione

Berks County District Attorney's Office Representatives:

- John Adams, Berks County District Attorney
- Hon. Eleni Dimitriou Geishouser, Judge, Berks County Court of Common Pleas
- Claudia Ferko, Deputy Director, Berks County District Attorney's Office
- Brendan Harker, District Court Administrator, Berks County Court of Common Pleas
- Daisy Holston, Executive Director, Treatment Access and Services Center
- Cody Kauffman, Assistant Solicitor, Berks County
- Kenneth Kelecic, Assistant District Attorney, Berks County District Attorney's Office
- Nicholas Volo, Deputy Chief Probation Officer, Berks County Adult Probation & Parole

Bucks County District Attorney's Office Representatives:

- Christa Dunleavy, Chief of Appeals, Bucks County Public Defender's Office
- Neils Eriksen, Jr., Chief Public Defender, Bucks County Public Defender's Office
- Shannon Kirby, Executive Assistant, Bucks County
- Margaret McKevitt, Chief Operating Officer, Bucks County
- Laura Riba, Assistant Solicitor, Bucks County
- Diane Rosati, Executive Director, Bucks County Drug & Alcohol Commission, Inc.
- Nikki Verwoerd, Opioid Settlement Program Manager, Bucks County

Other Attendees:

- Briana Anderson, Trust Administrator, CCAP
- Ashli Rudy, Trust Administrative Specialist, CCAP
- Jayson Wolfgang, Buchanan Ingersoll & Rooney
- Jordan Yeagley, Buchanan Ingersoll & Rooney
- Nathan McClellan, Representative of Senator Christine Tartaglione

Announcements by Chair Tom VanKirk

- This meeting of the Pennsylvania Opioid Misuse and Addiction Abatement Trust’s (“Trust”) Dispute Resolution Committee (“DRC”) has been duly advertised as a public meeting in accordance with the Sunshine Act and is therefore open to members of the public as observers.
- Participation in this meeting is limited to representatives of the Berks County District Attorney’s Office (“Berks Co. DAO”) and Bucks County District Attorney’s Office (“Bucks Co. DAO”), as beneficiaries under the Amended Trust Order, the Trustees on the DRC, and those that the Trustees have invited in advance to take part.
- This meeting is being recorded, and the video will be available on the Trust’s website along with the minutes from this meeting once approved by the DRC.
- An Executive Session was held today immediately prior to this public meeting for the purpose of receiving legal updates and legal advice.
- A quorum of Trustees on the DRC is present at this meeting.

Approval of Prior Meeting Minutes

Minutes from the public DRC meeting held on September 17, 2025, were circulated to Trustees in advance of this meeting. Chair Tom VanKirk indicated he would entertain a motion to approve the minutes. A motion to approve the minutes was made by Tumar Alexander and seconded by Commissioner Robert Postal. With no further discussion, the motion was approved unanimously by the Trustees in attendance.

Appeal from Berks County District Attorney Concerning Program No. 2 – Intervention – Toxicology Center

Kenneth Kelecic, Assistant District Attorney for the Berks Co. DAO, began the presentation by clarifying that the Berks Co. DAO does not use substance use screening for punitive purposes. Instead, substance use screening is utilized as a clinical tool to assess whether individuals under supervision or participating in court programs are experiencing opioid use disorder (“OUD”) and any co-occurring substance use disorders (“SUDs”) and/or mental health (“MH”) conditions.

Mr. Kelecic then invited Daisy Holston, Executive Director of the Treatment Access and Services Center (“TASC”), to provide an overview of the organization. Ms. Holston explained that TASC serves as the primary resource for individuals under supervision by adult probation, juvenile probation, Children and Youth Services, and Connections Work, a nonprofit organization.

She described the process by which individuals report to TASC to complete any required substance

use screening, after which TASC communicates the results to the referring agency. Ms. Holston emphasized that TASC does not recommend punitive measures. Rather, when an individual tests positive, TASC recommends that they return for a comprehensive drug and alcohol assessment and, if appropriate, facilitates referrals for treatment through its case management services.

Chair Tom VanKirk asked what happens if an individual declines substance use screening. Ms. Holston stated that TASC does not mandate participation.

Commissioner Kevin Boozel asked whether any referring agencies require substance use screening. Nicholas Volo, Deputy Chief Probation Officer for the Berks County Adult Probation & Parole (“Berks Co. Probation Department”), responded that regular substance use screenings are often a condition of probation or parole. Individuals with a known SUD may be required to submit substance use screenings once or twice per week. He emphasized that the Berks Co. Probation Department’s goal is to exhaust all available community resources before pursuing short-term incarceration followed by inpatient treatment.

Commissioner Kevin Boozel then asked what happens if an individual is indigent and unable to pay for required testing. Mr. Volo acknowledged that inability to pay can lead to supervision violations and higher incarceration rates—outcomes the Berks Co. Probation Department is working to prevent through the use of OSF.

Mr. Kelecic then highlighted Connections Work, Berks County’s pre-trial services program. He explained that some criminal charges may not initially appear connected to a SUD, but screening can help determine whether substance use contributed to the criminal activity and allow for appropriate treatment referrals. Prior to the use of OSF, individuals who could not afford screening may not have been tested, or the costs may have been passed on through prosecution-related fees.

Mr. Volo added that removing the cost of substance use screenings reduces financial barriers to treatment and other services. This allows individuals to focus their limited resources on basic needs, such as housing and mental health care, thereby improving overall stability. Additionally, understanding the type and frequency of substance use helps treatment providers determine the appropriate level of care.

Mr. Volo further explained that offering free substance use screenings has increased compliance. Since the implementation of free testing, the number of completed screenings has risen significantly. He emphasized that this increase has not led to a corresponding rise in violations; rather, it has resulted in more referrals to treatment. When individuals comply with substance use screening, officers can address substance use promptly using swift, certain, and fair interventions—an approach associated with reductions in recidivism, incarceration, and ongoing substance use.

The Honorable Eleni Dimitriou Geishauser, Judge of the Berks County Court of Common Pleas, shared that when she began her tenure, individuals were required to pay for substance use screening. This created challenges, as treatment court is designed to focus on addressing the underlying SUD.

Financial obligations shifted attention away from treatment and toward securing employment or borrowing money to pay for testing.

Judge Dimitriou Geishauer explained that the first two phases of treatment court emphasize building an alliance with a treatment provider. The court works to eliminate distractions—such as concerns about employment or housing—so that treatment can remain the primary focus. She acknowledged that positive drug tests are expected at times and emphasized that the test itself is not the central issue; rather, it is the response that follows. A multidisciplinary team determines the appropriate response, considering the severity of substance use, prior interventions, input from treatment providers, potential increases in level of care, and whether a change in living environment is needed.

She noted that incarceration runs counter to the best practices established by All Rise for treatment courts. Substance use screening results, however, are essential for ensuring the safety of participants, their children, their families, and the broader community. She added that individuals often report for testing even when they expect a positive result because the court is known for responding therapeutically rather than reflexively imposing sanctions.

Chair Tom VanKirk asked whether individuals are ever incarcerated solely as a result of a positive drug test. Judge Dimitriou Geishauer responded that for the first, second, third, and even fourth positive result, incarceration typically does not occur, although individual circumstances may influence decisions. She noted that the court has been recognized by the Pennsylvania Supreme Court as a champion court for its adherence to national best practices for treatment courts.

Stuart Fisk asked what types of substance use screenings TASC conducts and what methods are used. Ms. Holston reported that TASC uses a 10-panel urine screen. Mr. Fisk then asked whether confirmatory or additional testing is conducted. Ms. Holston explained that confirmatory testing is available if an individual disputes their results. Mr. Fisk asked if OSF would cover the cost in such cases, and Ms. Holston confirmed that they would.

Mr. Fisk also inquired whether TASC's substance use screening can detect substances currently appearing in the illicit supply. Ms. Holston stated that the standard panel does not test for these substances, but expanded testing is available if there is suspicion of use. Judge Dimitriou Geishauer noted that participants often interact with system members several times per week, allowing the panels to be adjusted quickly if expanded screening is needed.

Shea Madden asked whether, prior to OSF, individuals who could not pay for a substance use screening were tested. Mr. Volo confirmed that those individuals were not tested, which the Berks Co. Probation Department recognized as a significant concern.

Mr. Kelecic reported that, upon reviewing the mental health court in the last three months, 17 of approximately 20–25 participants tested positive for substance use, and none were incarcerated as a result. Those individuals were referred to a higher level of care, and a few agreed to enter treatment.

Mr. Kelecic concluded his remarks by stating that the Berks Co. DAO considers this remediation program consistent with Exhibit E, Schedule B, Section D, Subsections 2, 3, and 5.

District Attorney John Adams stated that the Berks Co. DAO's focus is on supporting individuals rather than incarceration. He emphasized that jail is not an effective response for individuals with SUDs and that OSF has been instrumental in supporting these participants. He expressed a desire to maintain these improvements rather than revert to previous practices.

The Trustees of the DRC had no further questions, thus concluding the Berks Co. DAO's presentation.

Chair Tom VanKirk then presented the following resolution:

RESOLVED, that, the Dispute Resolution Committee of the Pennsylvania Opioid Misuse and Addiction Abatement Trust hereby affirms the decision of the Board of Trustees that Berks County District Attorney Concerning Program No. 2 (Intervention – Toxicology Center) is not compliant with Exhibit E. A “yes” vote would maintain the current denial by the Trust, whereas a “no” vote would reverse the decision by the Trust that the program is not compliant with Exhibit E.

Commissioner Robert Postal made the motion as presented. Stuart Fisk seconded the motion.

With no further discussion, the Trustees of the DRC then voted as follows:

Yeses (2)

- Tumar Alexander
- Shea Madden

Nos (3)

- Commissioner Kevin Boozel
- Stuart Fisk
- Commissioner Robert Postal

The outcome of the vote was thus to reverse the current denial by the Trust.

Appeal from Bucks County District Attorney Concerning Program No. 2 – Forensic Involved Diversionary Programs – Public Defender

Neils Eriksen, Chief Public Defender for the Bucks County Public Defender's Office ("Bucks Co. PDO"), began the presentation by emphasizing that resolving legal trauma is as important for their clients as resolving physical trauma. He explained that unresolved legal issues can contribute to hopelessness, low self-worth, employment challenges, custody disputes, and, in some cases, recurrence of substance use.

He then described how public defenders work with individuals with OUD, beginning with a holistic interview and continuing through service coordination, treatment referrals, and ongoing legal representation. He emphasized that the attorney-client relationship is central to this process, as it allows the public defender to address both legal issues and barriers to treatment and recovery from start to finish. He noted that the appeal record reflects this comprehensive role.

Christa Dunleavy, Chief of Appeals for the Bucks Co. PDO, stated that, beyond helping clients access treatment, they assist with barriers such as transportation, perform expungements to remove criminal record barriers, abate court costs, and represent clients facing probation or parole violations due to substance use recurrence—all with the primary goal of helping clients access, participate in, and follow up with treatment.

Commissioner Kevin Boozel asked whether the Bucks Co. PDO receives any funding beyond required County contributions and OSF for the services it provides. Mr. Eriksen responded that it does not and noted that the office is seeking additional funding from any available source, as the role of a public defender has expanded over time without a corresponding increase in funding.

Commissioner Kevin Boozel then asked whether the Single County Authority (“SCA”) could assume a greater role in providing these services. Ms. Dunleavy responded that the Bucks Co. PDO maintains an expungement unit and explained that the nature of their practice has evolved because most clients have SUDs or MH conditions. She further noted that the majority of clients enter guilty pleas, meaning public defenders are responsible not only for trial work but also for presenting mitigation. She emphasized that their responsibilities have shifted in response to the opioid epidemic.

Commissioner Robert Postal asked whether the remediation program was for a new public defender position that would not exist without OSF. Ms. Dunleavy confirmed that it was.

Chair Tom VanKirk asked whether this public defender position serves only clients with OUD. Ms. Dunleavy replied that 99% of PDO clients have OUD or another SUD or MH condition. Commissioner Robert Postal then asked whether the remediation program funds a full position. Mr. Eriksen explained that it funds a dedicated diversion attorney whose primary role is handling cases for clients with OUD through the diversionary process.

Stuart Fisk asked whether public defenders have access to consultants who specialize in working with individuals with SUDs. Mr. Eriksen said they have a social services advocate who reports directly to the public defender. Shea Madden asked whether they also work with their SCA, and Mr. Eriksen confirmed that they do. Diane Rosati, Executive Director of the Bucks County Drug & Alcohol Commission, Inc. (“Bucks Co. SCA”), shared an example of their collaboration through a new program at the Bucks County Justice Center. This program allows individuals to receive immediate drug and alcohol assessments during court proceedings. Judges and court staff have been trained, and the Bucks Co. PDO is one of the program’s largest referral sources. Ms. Rosati shared that through this partnership, the Bucks Co. SCA provides free assessments and

transportation via Danny’s Ride—services that would not be possible without OSF.

The Trustees had no further questions, thus concluding the Bucks County DAO’s presentation. At 4:27 PM, the members of the DRC went into Executive Session to seek the advice of legal counsel.

The DRC returned from Executive Session at 4:45 PM. A quorum of Trustees of the DRC was still present.

Chair Tom VanKirk asked whether, as Ms. Dunleavy had stated earlier, the 99% figure—representing the percentage of clients served who have OUD or another SUD and/or MH condition—referred specifically to the proposed position or to the entire Bucks Co. PDO. Ms. Dunleavy clarified that it applied to both. She explained that this reflects the current reality of their practice and added that she could not recall the last time she represented a client who did not have a SUD and/or a MH condition.

Chair Tom VanKirk then asked Mr. Eriksen whether he would agree to extend the deadline for a decision on the appeal until December 11, 2025. Mr. Eriksen agreed.

Chair Tom VanKirk then presented the following resolution:

RESOLVED, that, the Dispute Resolution Committee of the Pennsylvania Opioid Misuse and Addiction Abatement Trust hereby affirms the decision of the Board of Trustees that Bucks County District Attorney Concerning Program No. 2 (Forensic Involved Diversionary Programs – Public Defender) is not compliant with Exhibit E. A “yes” vote would maintain the current denial by the Trust, whereas a “no” vote would refer the decision back to the full Board of Trustees.

Commissioner Kevin Boozel made the motion as presented. Tumar Alexander seconded the motion.

With no further discussion, the Trustees of the DRC then voted as follows:

Yeses (1)

- Commissioner Kevin Boozel

Nos (4)

- Tumar Alexander
- Stuart Fisk
- Shea Madden
- Commissioner Robert Postal

The outcome of the vote was thus to refer the decision back to the full Board for consideration at its December 4, 2025, public meeting.

Chair Tom VanKirk thanked everyone for attending. With no new business to address, the meeting was adjourned at 4:53 PM.