

Legislation & Policy Committee Meeting, November 18, 2020, 9:30am

Legislative Update

Election Recap

Alan reviewed the document provided to the group. He stated that in Michigan, Democrats were able to flip majority to a 4-3 majority of the Supreme Court, which was previously a Republican majority of 4-3. He stated that the election was truly a mixed bag with no true Red Wave or Blue Wave. Republicans held a 58-52 majority in the House, which was a surprise to many as it was thought that Democrats had a strong chance to win the House. He reported that 28 freshman lawmakers are coming in as a result of the elections. Alan reported that he will be sending a congratulatory letter to all winners and include information about the MH system encouraging them to contact us with any questions. Alan reported that leadership roles were voted on November 5 for the House. He reviewed that list of Representatives and gave details on their backgrounds. Alan spoke briefly about the Emergency Order recently issued that takes effect today for 3 weeks. He reported that the Michigan Restaurant Association is suing MDHHS over those recent orders.

FY21 Budget Update

Alan reviewed the conference committee report line items for specific MH and SUD services. Recently PIHPs were told that there was an overallocation of Block Grant Dollars over the past several years, and the State would like to recoup this with an adjustment, but they would like to do it all in one year. This would be a devastating hit to the system, especially during a Pandemic and with the Opioid crisis. PIHPs have asked the Department if this could be recouped over a period of time instead of all at once.

Alan stated that there were 2 Senators on the ballot – Pete MacGregor won Kent County Treasurer and Pete Lucido won Macomb County Prosecutor. This will likely affect majority in the Senate.

Alan stated that the Behavioral Health Homes and Opioid Health Homes has almost \$27 million included in funding. CMHA will continue to advocate for DCW increase beyond the 1st quarter of this Fiscal Year. Alan reviewed Sections 927 (auditing procedures), 928 (local match draw down five year phase out), 964 (Medicaid fee schedule and network standards adequacy), 974/1006/1007 (Intellectual and DD Service Delivery, Disability Homes and Medicaid Delivery System language), and Section 1013 (transportation to Preadmission Screening Unit). Alan stated that we will likely see a couple of supplementals, and that the FY22 budget will likely be much worse than FY20 or FY21.

Lame Duck Tracker

Alan reviewed the document tracking approximately 15 different bills. Included in this list is HB 5832 (Crisis Stabilization), HB 5178 (universal credentialing), SB 813 and HB 5615 (reporting for inpatient units), SB 672 & 673 (Certificate of Need), SB 826 (clarification of NP/PAs role in Mental Health Code), HB 5298 (licensure for Psych Residential Treatment Facilities), SB 41 (Mental Health First Aid as part of teachers training), SB 898 (parity in coverage for telehealth services), HB 4700 (pre-parole MH discharge planning), HB 5408 (Medicaid reimbursement for alcohol use disorder treatment), and HB 6188 and 6189 (inpatient bed registry / MiCAL [Michigan Crisis and Access Line]). Alan will be providing weekly updates during December on these bills.

Alan stated that recently he has been hearing that Lame Duck may be reduced to a few days instead of a few weeks due to multiple factors; no pressing bills, several Legislators have tested positive for COVID, etc. He reported that they may only work on a COVID package to be presented to the Governor.

Policy Updates – Bob Sheehan

Lawsuit – Children's Mental Health (aka KB lawsuit)

Bob reported that several plaintiffs sued the State and the State is in settlement discussions at this point. It is hopeful that there will be a more robust service system for children moving forward. Discussion of a creation of some type of new waiver of a lower level of care than the SED Waiver requirements (inpatient level of care).

CCBHC Status

Bob reviewed the CCBHC update document that was shared with the group. He stated that there are 18 in Michigan now, but the funding for them to continue forward is in question now. He stated that the match for Medicaid is 79% for these sites. But it will go back to 65% after the demo is completed. GF match must be found for these expanded payments, so we may start with 2-3 permanent sites. Costs included could be the anticipated increase in number of Medicaid clients, extent to which CCBHC services exceed what is already covered in your plan, and extent to which Medicaid reimbursement falls short of covering costs. Group expressed concern for lack of equal access to services, as in those areas who were not approved through the Federal Grant process. Group discussed details of what will need to happen to keep the CCBHC sites to move forward.

Provider-driven recommendations to MDHHS

Bob reviewed the recommendations that were listed in this document including reciprocity, uniform audits, etc.

MDHHS announcement on permanent cuts to Federal Substance Use Disorder Block Grant dollars to PIHPs

Covered in previous discussion with Alan.

The next meeting of the Legislation & Policy Committee is scheduled for Wednesday, January 20, 2021, 9:30am, and will likely be held via Zoom. More details will be known as we get closer to 2021.

Meeting adjourned at 11:08am.