

Legislation & Policy Committee Meeting, March 17, 2021, 9:30am

Legislative Update

FY21 COVID Supplemental

Alan reported that Elizabeth Hertel was appointed as the Interim Director earlier this year when Robert Gordon resigned. The Senate has 60 days to reject this appointment. The deadline to do this would be March 23rd but it does not look like there will be enough votes to do this, so her appointment will likely stand. Alan went on to report on details of the FY21 COVID Supplemental. He stated that Michigan received about \$5.5 Billion in federal funds. The Legislature passed a Supplemental that spends about \$3.5 Billion of the \$5.5 Billion. Four bills were put forth. The Legislature is trying to use these bills as leverage to tie-bar funding to MDHHS not being able to issue anymore Emergency Orders. The Legislature has not been happy with how the Governor has handled restrictions during the Pandemic. Alan gave details of the four bills, and the funding they were tied to. The Governor vetoed the tie-bars, but not the funding in those bills. There will likely be legal action taken by the Senate Majority Leader, Mike Shirkey. Funding included in the Supplemental was for DCW increase to \$2.25/hr (through Oct. 1, 2021), \$17 Million for SUD Block Grant and \$16 Million for GF Block Grant. These items were not tie-barred to any bill, so were not among the vetoes from Governor Whitmer. Alan stated that there is still \$2 Billion in federal dollars not appropriated yet, and the Legislature looks to use these dollars further as leverage. With the recent passage of more COVID federal stimulus dollars, Michigan stands to get an additional \$10 Billion. Group wondered if there was a deadline to use the \$2 Billion before it must be given back to the federal government. Alan stated that he believes it can be used through FY22 (until Oct. 1, 2022). He believes it will all be spent, but how they end up allocating it is what is unknown.

FY22 Executive Budget recommendation

Alan stated that the Governor issued the Executive Budget recommendation on February 11, 2021. Alan gave details of what was included in this proposal. Direct Care Wage permanency, CCBHC funding, KB vs. Lyon Lawsuit regarding children's services, Autism navigators and State Hospitals were among some of the funding proposed. The House and Senate are going through their budget hearings and will continue to develop their budget proposals. Alan will keep the group updated on how the process is developing. Both the House and Senate should have those budget recommendations sometime in April. The entire Budget process will likely continue through late summer into early fall before it is finalized. The Association has 4 key priorities to see included in the budget – DCW increase, CCBHC funding, SUD Block Grant funding corrections, and Local Match drawdown (Section 928). Jim Johnson stated that OROSC has received a letter of award for the \$52 Million in SUD Block Grant funding for the time period of 3/15/21 to 3/14/23. PIHPs will be meeting with OROSC to discuss how these funds will be allocated. Group wondered if there could be another Supplemental not related to COVID. Alan stated there could be, but he was unsure.

RROAM LPH Monitoring issue – follow-up

Alan reported that the Recipient Rights Officer Association of Michigan reached out to the Association in support of Mental Health Code changes that shift duties to the State regarding licensure of psychiatric hospitals and units. He stated that the Association met with them to discuss any unintended consequences. The Department is looking to create an MOU with LARA on how oversight would work for the licenses psychiatric hospital to ensure compliance with the LPH's. This would be INSTEAD of any changes to the Mental Health Code. Christine stated she would like to have added that ORR would notify CMH when there is a rights investigation, so they have that information. Alan stated he did forward that to the Department.

SB 101 – MH Transportation

Senator McBroom introduced this bill. It is regarding involuntary transportation of individuals in need of MH Services. Senate had committee hearing on this legislation last week. The burden on law enforcement during these transports is immense as it can involve multiple days of travel and time away from work. This bill would allow a transportation panel to be created for counties to contract with an entity to perform these transportation services. MAC and the Sheriff's Association are in support of this. Problems could arise for those Boards that cover multiple counties, but the language in the bill is such that it is permissive, not requiring (entity "can" – not entity "must"). Group felt this bill does not really address the problem. The problem is that when the client gets to the hospital, there is no bed for them to hand them off to. What would the "entity" do in that situation? Group stated that the county's risk and liability using these "entities" was not discussed. Group also discussed that the "entity" would not have the same governmental immunity protections that a sheriff would. Mary stated that Chapter 7 would not apply to any transportation company as it doesn't apply to police officers either. Lisa Morse stated that she raised multiple issues on this bill. She will look for this and send to Alan for the group.

Reintroduced Bills – CON (SB 181-183 & 190), MH Professionals (SB 191), MiCAL/Bed Registry (HB 4043 & 4044)

Alan reported that the Certificate of Need Bills have been reintroduced (SB 181-183 and SB 190), as have the Mental Health Professionals bill (SB 191) regarding licensure, and MiCAL/Bed Registry bills (HB 4043 & 4044).

2021-22 CMHA Legislative and Policy Platform – follow-up

Alan reviewed the updated Legislative and Policy Platform. He gave details of what suggested edits from this group were added, and were removed, that were given at the January meeting.

Suggestion was made to form a workgroup to redefine the meaning of the term recipient. Should the state make those with mild/moderate be priority populations for the health plans? Kay Randolph-Back gave her review on this point and will share her

write up with Monique to send to the group. Bob Sheehan suggested to remove that section, and then move forward with the platform to be used.

Group voted to accept the 2021-22 CMHA Legislative and Policy Platform as revised and presented, with the addition of anything that supports Medicaid coverage for inmates broadly under the section "CMHA supports the Federal Medicaid Inmate Exclusion Policy".

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

Discussed in previous section above.

LARA interpretation of SUD licensure for governmental bodies

Alan gave an update on this topic. A governmental entity is not required to have a license, but LARA language states that they can NOT hold a license. He stated that the Association met with LARA to raise concerns. Three main areas were identified for potential problems when dealing with an Unlicensed Provider – MCBAP requirements, CCBHCs and Billing for commercial health insurance. Meetings will continue to be held to try and correct the problems that have arisen due to this issue. Group discussed how to move forward if CMH's licenses to provide SUD services were not going to be renewed. Bob advised everyone to continue with business as usual until this is resolved.

Policy Updates – Bob Sheehan

KB Lawsuit – Children's Mental Health

Bob stated that the Association developed a joint statement with the Michigan Federation for Children and Families. He shared this with the group and gave details of the suggestions listed in that communication.

CCBHC Status

Alan gave update in previous section above.

Provider-driven recommendations to MDHHS

Bob stated that the previous recommendations shared with this group continue to be discussed by the Provider Alliance and the Department on residential coding changes as well as other issues.

There was no other business.

The next meeting of the Legislation & Policy Committee is scheduled for Wednesday, April 21, 2021, 9:30am, to be held via Zoom.

Meeting adjourned at 11:11am.