

## Legislation & Policy Committee Meeting, April 21, 2021, 9:30am

### Legislative Update

#### Director Hertel appointment process

Alan reported that the Senate did not reject the appointment of Director Hertel in the 60-day time period, therefore her appointment has been confirmed, and she is now the Director of MDHHS.

#### FY22 Budget Update

Alan reported that the House will be reporting their budget later today, and the Senate will be reporting their budget tomorrow. The budgets may be used as leverage points with the Governors office to further their efforts. Alan stated that DCW will likely be included in both reported budgets. Details to follow.

#### Sen Shirkey – Gearing Towards Integration

Alan stated that this integration plan being put forth by Senator Shirkey's office is a very real threat to our system. This will likely pass the Senate, but it is unknown if there will be enough House support to see it go through. Alan and Bob have had conversations with Sen. Shirkey, as well as a handful of Michigan Senators and the Department. Sen. Shirkey's office will be meeting with advocates tomorrow. Alan stated that Director Hertel's office would like to see a focus on access instead of this plan being approved. Alan went on to report that it was unknown if the Governor would sign these bills or if she would veto them. It remains to be seen what the House or Senate would offer in releasing federal funding dollars to be traded for signing these bills into law. Alan stated that it is very important that the Association be involved in the process as this unfolds to continue to mitigate harm that will be caused by this plan. Currently, the Association is taking feedback from its members on service gaps that have been identified and how they are being addressed – initiatives such as PRTF, Crisis Stabilization, Mobile Crisis, CCBHCs, and Health Homes (Behavioral and Opioid). These successes should be highlighted.

Alan then reviewed details of the Integration proposal which describes items such as consumer choice and person-centered plan listed, but these are not components of the actual proposal. It will be a bid process, with "SIPS" that would remove PIHP functions and phase in those responsibilities to the Health Plans. Alan spoke about SMI Children, SUD, and I/DD populations as the first three proposed phases. He reviewed measures and the contractual involvement of CMHs, as proposed, which could potentially eliminate public oversight. Alan spoke about the aggressive timeline of this proposal. Realistically, this will likely be presented to the Governor's office late summer or early fall. Group discussed adding balloon comments to the highlighted section of the document to help further explain why those highlighted points were detrimental to the public MH system. Alan stated that he could try to do that or create a document to go along with the highlighted document. Group wondered what MAC's position was on this proposal. Alan stated that he believed they will be opposing it. Group then discussed the importance of avoiding arguing back and forth with any Health Plans or Shirkey's office, as well as getting information out that shows the strength of our system without providing ammunition to pick our system apart. Christine Gebhard stated that we need to create a document similar to the Gearing Towards Integration document to show that we HAVE integration and here's what it looks like and how it's working. She stated that it is important to continue to raise the issue of the Altarum report. Alan stated that he has suggested adding legislation to show data reporting to manage those populations. Kay Randolph stated that holding the Medicaid Health Plans accountable is not being done, nor are they being monitored. She asked if there was a summary and evaluation of everything that is going on in terms of integration that the public system currently has. She would like to see that created and used to compare to what Health Plans are currently doing regarding integration. Bob stated that Alan will be using the report put out recently in efforts to fight this proposal. Group wondered when talking points would be available. Alan stated that general ones will be sent out soon, but he was waiting to see what the bills will look like. He stated that a lot of information has already been sent to the CMHA membership. Bob suggested the bubble explanations could be added to the highlighted version of the Shirkey document, and that could be used with the Infographics that will be coming from Lambert, Edwards & Associates. Group then discussed that at this time a good offense would be the best defense, by showing the strength of our system, and tie it to the National data. Alan gave details of two infographics that will highlight CCBHCs and Health Homes. Group discussed the fact that not all CMHs are CCBHCs or Health Homes, and other integration efforts are being done in those areas. Group discussed ways that metrics could be used in showing data that highlights the integration efforts of the public MH system – not only for CCBHCs or Health Homes, but ALL efforts. Maribeth Leonard wondered if there was a way to strategize with Senator Debbie Stabenow on this issue. Alan will be reaching out to her office. Bob Sheehan reminded the group that the Association will be sounding the alarm when the time is right, in the hopes that this will have the most effect.

#### LARA interpretation of SUD licensure for governmental bodies

Alan stated that they met with LARA and DHHS a few weeks ago. LARA sent a letter in follow up, stating that Governmental entities may still establish, conduct, or maintain an SUD services program and reimbursement cannot be predicated on a need for licensure when licensure is not required by law for a particular class of entities. Larry Horvath indicated he will continue to hold discussions within LARA on this issue. Alan stated that he has put a bill request into Sen. VanderWall's office to allow a license to be obtained if it is desired by these entities. Mark Witte suggested an on-demand license, with no inspection required, could be issued by LARA.

#### Policy Updates – Bob Sheehan

#### KB Lawsuit – Children's Mental Health

Bob stated that there was a rumor that a carve-in model being proposed to solve access problems, but the Department has assured us that this will not be happening.

#### CCBHC Status

Bob gave details on PPPS financing. No further discussion.

#### Provider-driven recommendations to MDHHS

Bob gave details on reciprocity issues on audits and site reviews for Providers. Contract changes are currently being discussed to achieve reciprocity.

#### Other

##### Involuntary SUD treatment under the provisions of PA 200 of 2014 (Mark Witte)

Mark Witte spoke about involuntary treatment pathways for persons with SUD. He gave background on the development of this issue, and current details of a family experiencing problems. He stressed the need to fix the issues of PA200, showing petition sections that need to be fixed, specifically Item 5, which requires a family present a health professional examination, and they must agree to pay treatment and court costs. He then gave details of the statement of healthcare professional, and the term Substance Abuse is not included for that professional's terminology. In that form, the professional filling it out must identify detox, residential stays, intensive out-patient stays, and non-intensive out-patient stays. Mark stated that all of this must be initiated and completed by family in a very short amount of time, and the hinderance of navigating this process needs to be fixed. He asked that this committee offer suggestions to make this process more streamlined, and possibly make it more parallel with the involuntary process. Bob Sheehan stated that the Association could work with Mark to move this effort forward. Alan stated the Representative Calley would be good to work with on this. Lisa stated that Senator VanderWall would also be a good ally on this. Group voted to support coordination for simplification of PA 200 provisions as suggested by Mark Witte, with the assistance of the Association through legislative efforts.

##### Process for development for Mild to Moderate

Kay Randolph-Back stated that a work group was suggested by her at previous meetings, to develop a process for development for Mild to Moderate. No workgroup was formed due to the suggestion that the whole group should be involved. Kay felt that a subgroup was still needed and asked the group to consider ways to have conversations if a workgroup was not found to be acceptable. Group felt that with this issue being removed from the Policy Platform, it 'deprioritized' the issue, hence the feeling that a workgroup was not needed. Kay stated that she felt this was not an isolated topic but sensed that the group felt it was. Bob thanked Kay for her thoughts and insight on this issue.

#### Next Meeting

The next meeting of the Legislation & Policy Committee is scheduled for Wednesday, June 23, 2021 at 9:30am. This meeting will likely be held in-person AND via Zoom. More details will be sent closer to the meeting date.

Meeting adjourned at 11:00am.