

## Legislation & Policy Committee Meeting, March 16, 2022, 9:30am

Legislative Update

FY23 Budget

Alan reported that the Governor's proposed budget for FY23 was released on February 9<sup>th</sup>. He stated that the House and the Senate are currently going through their budget processes and the House is holding public testimony today. The Senate will likely hold public testimony soon as well. The House and Senate will likely pass each of their versions of the budget in early April. A budget may be agreed upon as early as June due to the excess funds from ARPA and COVID federal funds – almost \$20 billion more than in previous years. Alan reviewed the 3 different types of recommendations in the Governor's proposed budget – supplemental, on-going, and one-time. He gave details on CCBHC funding, student loan reimbursement, Jail Diversion funds, infrastructure for inpatient facilities, Health Homes, and Mental Health in schools. \$426 Million has been recommended for MH in school systems, and the Association would like to collaborate with organizations to avoid social workers migrating from the public mental health system to the school system, which will further harm the current workforce shortage. Group discussed sustainability of funding for mental health in the school system. Group also discussed the local match draw down (Section 928) and the five-year phase out. Alan stated that the Association can push to do it all now when speaking with legislators. Group then spoke about the reorganization of the Department and the shift in children's services as a result of this. Many felt that this was hurting the rural communities. CCBHC is one solution to some of the problems that are coming up, but with so many moving pieces, it is becoming more difficult to maintain adequate services. Alan urged committee members to reach out to their legislators to make them aware of these issues and concerns with the potential of losing staff to the school systems in the process of integrating the proposed funding for MH in the school systems. Bob Sheehan spoke about the 31N report which indicated that ISDs hired 151 FTEs, and 143 additional FTEs were hired through contracting with CMHs. The Association will push for this type of model to keep staff from migrating away from the mental health system. Bob will share this report with the group. He stated that the Department of Education has met with the Association and MDHHS, with no action from MDHHS yet. The Association will continue to push these efforts forward.

SBs 597 & 598 – Financial Integration Bills

Alan stated that these bills were added to the agenda on March 2, but only went to third reading. A voice vote was held, and there were not enough votes to pass this legislation out of the Senate. Five Republicans whipped no – Senators McBroom, MacDonald, Bumstead, Outman and Theis – as well as all of the Democratic Senators. Alan reported that Senator Shirkey intends to have all those who voted no come into his office in the next few weeks to explain why they are voting no. Alan reported that the Association will continue to work closely with MAC, the Sheriff's Association, the Catholic Conference and multiple other agencies to fight this legislation.

Alan reviewed some of the changes that have occurred in the latest draft of these bills. He reported that one PIHP would be created to cover the 10-year period of phasing in this legislation, the Behavioral Health Accountability Council would be dissolved, language would add "single point of entry for crisis center intake services" to remain with CMHs, and the first phase would focus on children. Other changes included requiring GF money be distributed to CMHs, SIPs must contract with CMHs, adding language that there would be sanctions for CMHs and PIHPs if they fail to maintain contractual agreements or reduce provider choice, and add the term SIP (Specialty Integrated Plan) 49 times into the Mental Health Code using either "and" or "or" along with CMHs. Alan advised everyone in the group to continue to advocate against this legislation and add contacting House members on this topic as well. Group discussed the frustration when trying to combat what the Health Plans claim, and it simply is not the truth. Alan stated that there is an infographic being worked on called "Myths vs. Facts" to help combat what the Health Plans claim. Group asked that Alan send some limited bullet points to them until that infographic was finalized. Alan will send this out to them today.

HBs 4925 – 4928 – Whiteford Bills

Alan spoke about the proposed BH package of bills from Representative Whiteford. This would create one, statewide Administrative Service Organization (ASO) to replace the PIHPs. The latest version of this package will be up for testimony in House Health Policy tomorrow (March 17). Alan reviewed a document that compares Senator Shirkey's package of bills with Representative Whiteford's package, showing what each would and would not do. Alan stated that the Whiteford package of bills check off some of the items that the Association supports, but the Shirkey bills do not. He reviewed structure, timing, care authorization, roles, oversight and transparency, and consumer interaction details of what each package of bills proposes. Alan will use the document in testimony tomorrow that shows what concepts the Association supports as parts of the proposed package of bills, but not to fully support or oppose the legislation specifically.

Group wondered if the House package proposes to create regional entities under the ASO, how that would differ from the current PIHP structure. This remains to be seen. SUD was discussed. Priority to manage SUD would be given to CMHs. How to handle PA2 dollars was also brought up as an issue that remains to be discussed. Bob reminded the committee that there is a need to keep the support of House members in fighting the Shirkey proposed legislation, so coming out against HBs 4925-4928 would not be beneficial for the Association. Alan stated that many legislators don't like the approach of the Shirkey proposal, but they do not hold favorable thoughts on the current publicly funded system either. Alan stated that we must develop alternatives to propose or support in the form of solutions and answers to the perceived problems with the current system. Alan stated that if these bills move

out of the House, they are extremely unlikely to move in the Senate. Alan stated that Representative Felicia Brabec will be introducing bills that are more specific and NOT structural to our system.

#### HB 5165 – National Health Service Corps

Alan reported that this bill passed the House earlier this year and went to the Senate. This was on their agenda but has been pulled off. This bill aligns the ability to pay scale with the federal government's guidelines. The misalignment has caused some CMHs and Providers to be prohibited to participate in the student loan forgiveness program. The NHSC federally funded program would be available to those agencies once again, making it more desirable and attractive for recruiting staff. Alan stated it was not known why this was pulled off of the agenda, but it could be politically related to SBs 597 & 598. Many in the group felt that they should be contacting their Senators to make sure this gets put back on the agenda to be passed out in order to help alleviate the workforce shortage issues our system is facing.

#### HBs 5482 – 5484 & HB 5512 – Drug, Mental Health Treatment Court Eligibility

Alan reported that these bills, association with Mental Health Treatment Court have not passed out of the House yet. These would allow for a violent offender to participate in MHTC with the approval of a Judge and the victim. Mark Witte stated that he supported these bills. This is an opportunity to restore judicial discretion. Mark stated that he would urge the committee to support this legislation.

Group voted to support HBs 5482-5484 and HB 5512.

#### Policy Updates – Bob Sheehan

#### MDHHS BH Reorganization

Bob reported that the Association is setting meetings with Farrah Hanley and many other leaders within the Department to discuss issues important to the Association. Substance Abuse Prevention got moved out of the Department, and Children's services has been newly formed and renamed the Bureau of Children's Coordinated Health, Policy and Supports. Within that are 3 divisions – Office of the Advocate for Children, Youth and Families, Contract Management and Quality Monitoring Division, and Service Development and Implementation Division. The creation of the Chief Deputy of Health, assigned to Farrah Hanley, will see Dr. George Mellos under her running the State Hospital Administration, and Kate Massey running the Beh and Physical health and Aging Services Administration (the lack of I/DD was noted). Jeff Weiferich will now run the Bureau of Community Based Services. Under that will be Belinda Hawks with the Division of Adult Home and Community Based Services. Under Adult Home and Community Based Services will be SUD Treatment (Angie Smith-Butterwick), and Community Based Practices and Innovations (Brenda Stoneburner). Kendra Binkley will now head the Behavioral Health Customer Service Section under Penny Rutledge. Erin Emerson will head the Office of Strategic Partnerships and Medicaid Administrative Services. Bob then reported that a deeper look at the restructuring will take place at the Directors Forum later in March, with the Department attending on the second day of that training. Group discussed whether or not this reorganization was indicative of anything to do with Senator Shirkey's proposed legislation. This is unknown, and remains to be seen.

#### Interest in Board Member Vice Co-Chair position

Monique reminded the group that there was still a vacancy for the Board Member Vice Co-Chair position. Anyone interested should email Monique to let her know.

The next meeting of the Legislation & Policy Committee is scheduled for Wednesday, April 20, 2022 at 9:30am. This meeting will be held in-person AND via Zoom.

Meeting adjourned at 11:08am.