

## Legislation & Policy Committee Meeting, September 21, 2022, 9:30am

### Legislative Update

#### SBs 597 & 598 & Whiteford bills – Integration Bills

Alan reported that there are very few days left legislatively until after the elections in November and essentially until lame duck. He reviewed the document issued in the packet, giving details of what scenarios could happen concerning the Integration bills. He stated that they may not get voted out and die on their own, they may get voted out (passed), but do not get signed by the Governor, or they pass and get signed into law by the Governor. The latter scenario is the most unlikely to happen. Even if these bills do not make it through, an alternative bill will be what comes next. Alan felt that the CMHA would hopefully be able to have input on this. He stated that everyone can agree that 'status quo' for the public mental health system is not going to cut it. The efforts (around privatization and integration) are nothing new. We have offered CCBHCs and Health Homes as good models, showing it must be publicly run, possibly with partnerships with private entities, and with no carved in language. Group discussed who may pick up Senator Shirkey's torch on this if the Republicans stay in control of the Senate. Alan stated that Senator Nesbitt or Representative Filler may be potential champions of this cause. They are close to the Health Plans. Group then discussed the suggestion that the word "public" be added to the Mental Health Code as a fix to the issue of private health plans trying to take over the publicly funded mental health system. Kay Randolph-Back suggested a legal analysis to make sure this wasn't breaking any laws, and also suggested forming a workgroup to see if this approach was viable. Alan stated that the Association can reach out to legal representatives to get these questions answered. Alan stated that this could be a massive effort and undertaking. Bob stated that there would be a large coalition to help with signatures, but the big money will start to come out and oppose this effort. Alan stated that the Medicaid rebid is happening next year. He stated that the Department could decide to carve in services to the private health plans. Mi Health Link was discussed as well as Dual Special Needs Plan (D-SNP). Alan stated that both issues could see movement and could be more volatile for our system than the Shirkey/Whiteford legislation. Last week Alan and Bob met with HCAM and AAA to create a letter to the Department to encourage letting the MI Health Link program expire and NOT move forward with any type of D-SNP program. Group discussed the irony of timing with these issues and the restructure of the Department. Group wondered what individuals could do regarding the Medicaid rebid. Alan stated that there will be open hearings and opportunities for public comment during the process. The Association will make sure that our membership knows about each and every one of those opportunities. Group discussed how the Department may or may not feel about any of these efforts or projects. Group agreed that many actions and activities by the Department are suspect and seem to be aimed at paving the road even further for privatization.

#### HB 6355 – Preadmission Screening Authority

Alan stated that the House Health Policy Committee is meeting on this bill tomorrow at 10:30am for testimony only. It will likely not move through the committee. Under this legislation, if a CMH is not able to fulfill the 3-hour requirement to perform this screening, a suitable provider could be sought out. Alan stated that this bill is problematic and needs a solution. CMH Performance on the MDHHS metric for timeliness for hospital screening shows that, on the adult side, CMHs are at 98.35% and on the kid side they are at 98.77%. This exceeds the 95% minimum that is required. A tragic story brought this situation to the point it is at due to a young man being in the ED for 42 days. The crux of the issue is lack of inpatient access and beds, staff shortages, and viable alternatives. These are the tools needed to solve the actual problem, not additional screeners. Alan stated that other providers, including hospitals themselves, providing this service could present conflicts of interest, contract issues, MMP issues, certification issues, and a host of other problems. Testimony tomorrow can be done via Zoom and in person. Alan will send out information to reach the HHPC Clerk to obtain the link.

#### Guardianship issue – section 950 FY23 budget

Alan reviewed the handout that was issued to the group on this issue. He stated that originally a \$500 reimbursement to guardians was to come directly from the Department. The way the language reads now, guardians have to submit a claim to their CMH, then the CMH submits the claim to the Department for payment – in pieces (\$50-\$83 a month at a time). This will present an additional administrative burden to CMHs for passing this through. Alan submitted language to be considered that would remove the CMH as the middleman. Lisa Morse stated that the form the Department requested be used in this process is an obsolete form, and feedback has been given to the Department and they have answered that the Department is working to operationalize this. Lisa will keep the group updated on this topic. Alan stated that if there is a FY23 Supplemental done, we need to get the language changed back to the Senate's version to completely remove the CMHs from the mix.

#### SB 992 – Children's Group Home Safety Intervention

Alan reported that Sen. Lauwers introduced this which would allow for emergency restraints to be used in certain situations to offer help to residential children's group home settings

#### HB 5593 – Incompetent to Stand Trial (IST)

Alan stated that there has been some agreement on language, but it will likely not see any movement this year. Lisa Morse stated that it is good to hear that nothing will likely happen this year. These topics have not been received very well in negotiations as it adds more burden.

#### SB 450 – Local Public Health Officer Control

This will be up in House Health Policy and may be voted out. This will likely NOT be signed by the Governor if it passes out.

## Open Meetings Act Update

Alan stated that this will likely not see any action this year.

## Election impact & lame duck

Alan reported that whatever happens in the election in November will affect lame duck. He reviewed all of the different positions up for election, new legislative districts, Board of Regents, Supreme Court Justices and 3 Proposals. One of the proposals is concerning term limits, one is concerning voting by mail, and the third would amend the 1931 abortion law in Michigan. With this being a mid-term election, you would typically see the opposing party of the current President do very well. With President Biden being a Democrat, Republicans would traditionally see more wins. Alan said he does not feel that this will be the case this year. He reviewed several different local races where the Democratic/Republican race will be very close to determine who maintains control in the Senate (about 5 seats total). It will be similar in the House, with 10 different races being very close which will determine House majority. Group wondered if there were things they could do to help determine the outcomes of those 5 Senate races. Alan stated that agencies can reach out and hold Legislative Open Houses to show the public which candidates support the public mental health system. Eric Doeh stated that he will likely send a letter to introduce the agency and inform them on what the agency does, asking for support.

## Policy Updates – Bob Sheehan

### CMHA recommendations:

reduction in administrative burden

addressing the behavioral health workforce shortage

Bob reviewed the recommendations from CMHA on these issues. These have been provided to the Department, and robust conversations have begun. Maribeth Leonard extended an offer to Farah Hanley to help her understand by walking through the LifeWays process as if she were a family member seeking services. Ms. Hanley will be joining Maribeth next week.

### Mi Kids Now

#### CANS assessment

Bob Sheehan reported that the CANS is being used to replace the CAFAS assessment tool for children. Discussion is taking place where some may be keeping CAFAS as it links to level of care for children and CANS does not.

#### Loan Repayment Program

Bob stated that there is an initiative using funding of \$90 from the MI Kids Now initiative. Many requests were sent to the department to adjust some of the requirements on the application process and were agreed to. Updates on the process for applying for this program are being sent out today. A new loan repayment program for adults will be sent out in the fall.

#### Mobile Crisis Response RFP

Bob stated that the pre application conference was on the 14<sup>th</sup> earlier this month. He urged everyone to apply for this \$200,000 grant. Chip expressed frustration over “one-time”, “mobile”, and not enough staff to handle this. Bob stated that in his proposal, Chip should state exactly that. It simply does not look good for an agency not to apply for grant money. Group then discussed multi-county CMHs and site of practice needing to be in HPSA counties. Bob stated that the address for the clinician needs to be listed as a HPSA address in one of the counties that IS HPSA approved.

#### Concerns over Draft FY 2023 Medicaid Behavioral Health Capitation Rates

Bob stated that Keith White (new at the Department) has been contacted and meetings have been held regarding concerns with Capitation Rates. Bob stated that these concerns are being discussed with the Department and he is hopeful we will begin to see some headway.

#### Other

Bob Sheehan reported that he recently attended a National Council Quarterly meeting. He expressed concern over the current privatization efforts in Michigan, asking for staffing help from the National Council to fight in these efforts.

Diane Pelts asked for some changes to the CCBHC language. She asked that the term “some” be changed to “many”. She also asked that “and successfully meeting all of the needs of the identified risk population in these communities.” be added after “CCBHC initiative” at the end of that sentence. She wondered if data from Milliman would be received on Health Homes. Bob will check and send along if they are still doing that study. Bob will resend the survey with these language adjustments and additions, to the CEOs.

#### Next Meeting

The next meeting of the Legislation & Policy Committee is scheduled for Wednesday, November 16, 2022 at 9:30am. This meeting will be held in-person AND via Zoom.

#### Adjournment

Meeting adjourned at 11:21am