

Legislation & Policy Committee Meeting, January 18, 2023, 9:30am

Legislative Update

Alan reported that the Governor's State of the State will be on January 25th at 7pm. She will likely be discussing repealing the retirement tax, changing the EIC tax credit, expanding Elliott Larsen Civil Rights Act, Right to Work, and repealing the Abortion law. She will also likely discuss education and gun reform. Carl Rice stated that Jackson passed a resolution to be a sanctuary city, wondering if this became a state law. Alan stated that he did not know. Craig Reiter stated that Schoolcraft County passed the same Resolution, but it didn't change state law – it simply means that the Prosecutors would not press charges. The AG would have to be brought in to prosecute in these cases since local county prosecutors would not. Carl stated that he would like to see Children's Issues/Child Welfare Reform be discussed by this committee to move those topics to the top of our priority list.

2022 Lame Duck Recap

Alan reported that SBs 597 & 598 did not pass and the Lame Duck session was relatively quiet. He stated that 2 bills that did pass of significance were SBs 122 and 123 which involved PA funding for the counties. The biggest change that impacts our system when a threshold was lowered from 50% to 40% but cannot be below FY22 level. An increase in dollars, although minimum, should be seen in PA dollars for all counties.

Committee Assignments

Alan stated that the assignments sent in this packet has been updated and a new list will be sent via email later today. He stated that almost half of the House is new, and the Senate has 14 new members. Alan reviewed who the current committee leaders were for both the House and the Senate. He stated that several of these leaders are allies of the public mental health system. The Association will be working with this group quite a bit to help educate some of the newer members on the MH system.

2023-24 Legislative & Policy Platform (Action Item)

Alan reviewed the document he created for using by he and Bob Sheehan for topics and items that have been identified which the Association supports or opposes. He spoke about adequate funding levels, policy reforms, regulatory reforms, and protecting the public safety net. He gave in-depth details on each of these 4 sections of the platform. Jim Johnson expressed concern for setting a statewide rate when trying to advocate for increasing the \$2.35 DCW rate. Alan stated that this cautionary point was well taken. Jim also stated that the 7.5% risk reserve is currently being discussed among the PIHPs and the language is changing. Bob Sheehan stated that this is even more reason to keep this in the policy for the future. Group agreed. Group continued to discuss the DCW and the intricacies that it will take to accomplish this heavy lift. All agreed that this was more reason to keep this topic in the platform. Eric Doeh asked if this topic was clearly outlined in this policy as to what the Association will advocate for. He also asked how this policy addressed the people/services as opposed to just the funding side. Alan clarified that the first section deals in funding, with the 2nd and 3rd dealing in policy/regulatory reform and the 4th dealt with public safety net. He asked that the group approve this document for use by he and Bob when discussing or advocating for the Association legislatively. Jim Johnson recommended that this policy be taken to the Directors Forum after approved by this committee for further discussion on the DCW issue. Group felt that the \$18/hr paragraph in the policy was limiting in how the issue could be handled moving forward. Bob Sheehan suggested that the policy be approved with the removal of the entire paragraph on page 3, paragraph 1 which starts "Support and \$18/hr floor.....", and the addition of a bullet point for increased focus on the need for children's services (to include outcomes from KB Lawsuit and other mandates/initiatives that must be funded), as well as a bullet point for increased focus on funding for children's services, a bullet point under PRTF to include seclusion and restraint. Group then discussed if flexibility in the Public Health Emergency could be added to the platform. Alan also suggested that coordination of requirements be added as well. Annette stated that I/DD did not seem to be represented very well on this policy. She suggested adding something, possibly supporting legislative action on Supported Decision Making, to the policy.

Group voted to approve the 2023/2024 Legislative & Policy Platform with the removal of the first paragraph on page 3 that begins "Support an \$18/hr floor...", and the addition of a bullet point for increased focus on the need for children's services (to include outcomes from KB Lawsuit and other mandates/initiatives that must be funded), as well as a bullet point for increased focus on funding for children's services, a bullet point under PRTF to include seclusion and restraint. Other additions are verbiage from Lisa Williams under the on page 3 under the section entitled "CMHA supports efforts to increase collaboration with local school systems, including safety measures through the use of appropriate and timely mental health, community and family supports". The addition of an Empowerment section with a focus on I/DD would be included as well. This policy would be brought to the Board of Directors for their consideration and acceptance, and subsequently brought back to this committee for further review at their March meeting for possible changes/alterations on the recently added language.

Constitutional Amendment / Ballot Initiative

Alan reviewed the document on his research on what would be needed from the Association to institute the addition of a ballot initiative during the next election. He spoke about the different options that could be used to accomplish getting the constitution amended. Legislative Initiative, Ballot Initiative, and Constitutional Convention are the 3 options. Alan reviewed the number of signatures needed to get something added to the ballot (10% of the votes cast in the last gubernatorial election). He stated that a constitutional convention could be called to order, but these are rarely held, and it is usually due to a strong legislative action. He spoke about any potential limits to the language that could be put forth, stating that it must be similar to what would be in a bill. He also spoke about the limitations of PIHPs/CMHs being a public entity, stating they cannot be directly involved in the funding or

endorsing of any election rearing effort. No campaign efforts can be done either. The CMHA can support an initiative such as this if there were unlimited finances. Also, if a "significant amount" of any initiative's support/donations come from one entity, the Secretary of State may investigate. Legal counsel has advised that a special assessment by CMHA for this purpose would constitute the Association as the initiative fundraising committee, which would be additional charges for the Association. Alan reviewed several examples of ballot initiatives and the costs incurred with campaigning for those – even when unopposed. Signatures needed are extremely costly and present a large obstacle to successfully running a constitutional change. Alan went on to state that if we were to pursue this, MAHP and Blue Cross will fight this every step of the way. Campaigns would emerge vilifying "Michigan's broken mental health system". In trying to add a ballot initiative, it could backfire, and we may see the Health Plans work toward their own initiative, putting us back in a defensive stance. Alan recommended that this option may be something to consider in the future if Legislators are willing to explore an option like this through legislative initiative rather than a ballot initiative. Maribeth expressed appreciation for the in-depth research done for this report. She wondered if Providers were able to contribute to the funding, and Alan stated that they would be able to. Maribeth asked if the Association could contract with Epic to see if we would have overwhelming support throughout the State of Michigan. The prospect of not having to fight private health plans is just too strong to not continue to look into this. Alan stated that it was approximately \$25,000 for the last poll done through Epic. Bob asked Maribeth if she would be willing to work with him and Alan on the wording for such a poll. Maribeth agreed. Bob asked the group to recommend a report from the Committee Chair at the next Board Meeting could be recommended. Lisa agreed, as Co-Chair, to speak on this point at the February Board Meeting.

Policy Updates – Bob Sheehan

CMHA support of Michigan's Opioid Strategy (Action Item)

Tabled to March meeting.

Recommendations related to the design and operation of Michigan's post-State Demonstration CCBHC System (Action Item)

Approved at the November 2022 meeting.

Conversion of Home and Community Based Services to 1915(i) amendment: concerns and recommendations

Bob reviewed this document, highlighting the language which requires BPHSA review all (b)3 services applications. This is very problematic for providers and directors. Group expressed support for any efforts to help alleviate this burden. Even though the State says that the WSA is federally mandated, there must be a better way. Group agreed this is a non-value-added mandate that is not necessary.

Group voted to support that CMHA make recommendations to the State to remove this requirement.

Certificate of Need Psych Bed Comments

Bob reviewed the letter that he and Alan drafted regarding 2 hospital systems and the desired outcome to see more psychiatric beds added.

DCW Separate Recordkeeping issue

Bob stated that there was some confusion from the State on separating wages for DCW payments. He stated that he believes this issue was corrected by the state, and that this was provided as informational.

Other

Discussion of extending committee meeting to 2 hours – new end time proposed is 11:30am.

Group discussed the fact that there is sometimes more material to cover than 1 ½ hours allows for. Lisa asked if anyone had any opposition to moving the end time to 11:30. Group agreed by consensus that the time frame for this committee meeting will be extended to 2-hours.

Jim Johnson reported that Senator Sarah Anthony introduced 3 bills (SBs 27, 28 and 29) earlier today. These 3 bills are regarding parity, discipline or obedience, and allowing students to take up to 5 mental health days. Jim wanted to make sure that these were on everyone's radar.

Next Meeting

The next meeting of the Legislation & Policy Committee is scheduled for Wednesday, March 15, 2023 at 9:30am. This meeting will be held in-person AND via Zoom.

Adjournment

Meeting adjourned at 11: 33am.