

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

Legislative Update

2022 Election Recap

Alan stated that during last week's election the Democrats saw a shift to majority in the House and Senate, along with holding onto having a Democratic Governor. This is a historic outcome. He reported there was less than a point between the legislative races statewide. Democrats have a 20-18 majority in the Senate, and a 56-54 majority in the House. Redistricting likely helped Democrats gain wins across the state. Alan also reported that all 3 proposals on the ballot. He spoke briefly about the impact of term limits and how Proposal 1 passing could affect the legislature. Caucus leaders were appointed on Thursday following the election. Sen. Winnie Brinks was appointed Senate Majority Leader and Rep. Joe Tate was elected Speaker of the House. We will not know full committee assignments until sometime in January 2023. Alan reported that the Association will be working to reach out to all new legislators with a welcome/congratulatory letter in the coming weeks with contact information for CEOs and several of CMHAs Infographics. Alan stated that next year's session will likely see a slow start with the changes in place resulting from this election. Eric Doeh asked with the number of new legislators coming in, other than letters/correspondence, does the Association plan to have any "sit-down" meetings or caucuses with them. Alan stated that they will be following up after the welcome letters going out to introduce the Association and familiarize themselves with new legislators and can join with anyone who sets local meetings with their legislators. Most agreed that the idea of setting up a caucus was a good idea. Group briefly discussed how the politically charged ballot proposals possibly helped Democrats drive more votes. Group also discussed that CCBHC should be highlighted as a protection for the public system.

SBs 597 & 598 & Whiteford bills UPDATE

Alan reported that due to the Democratic sweep of the elections, any proposed legislation is unlikely to be passed. The Foster Care carve out proposal that Shirkey and Whiteford recently spoke with DHHS about was not received well by the Department. This was the proposal that would have gone to Lame Duck.

Lame Duck

Lame Duck will likely be very short and brief, centered mostly around farewell speeches. There may be a "year-end" type of supplemental to help close the books, but no other action. There will likely be no movement on any type of legislative items. Alan heard about a Democratic lobbyist who would like to broach the subject of pursuing foster care services in 2023 for some type of legislature to be proposed for privatization. This threat is just not going to go away.

2023 Areas of focus

Alan reported that the Association would like to develop a list of proactive suggestions, as opposed to being reactive following other proposals. This list could include items such as CCBHC, looking at real mental Health parity, reach out Rep. Whiteford and have her share the language on Recipient Rights to help strengthen that, allowing restraints for kids in residential settings, partnering on the inpatient access, and looking at workforce/administrative burden would be the key factors to include on such a list. Alan reported that during the Children's Issues Committee yesterday, that group agreed to come up with children's services specific items to add to this list. Medicaid redetermination and the budget impacts that could have will need to be addressed with Appropriations Chairs to get actuarials on the ball and looking at this. Along with this list of priorities, the Association will be working to create its Policy Platform (which will be reviewed at the January committee meeting by this group) to be used with legislators as a tool to help pass meaningful legislation. Kay Randolph-Back urged folks to link work with Parity to the CCBHCs. With CCBHCs doors open to commercially insured, money could be drained since the commercial insurers are not paying fairly. Kay went on to say that administrative burden, suggesting that we partner with others on building a mass of testimonies on how bad this issue truly is. Diane spoke about the CMH PAC and what we can do to help build it up. Group suggested creating an infographic on PAC levels for the Association.

Anyone who has thoughts or ideas on items to add to the priority list should send those to Alan Bolter at [abolter@cmham.org](mailto:abolter@cmham.org).

Once this list begins to come together it will be shared with the group.

Policy Updates – Bob Sheehan

CMHA support of Michigan's Opioid Strategy

Tabled to the January meeting.

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

Bob stated that the Association needs to go on record in favor of supporting the CCBHC system. CCBHCs will become a central component in Michigan's public mental health system through a Medicaid State Plan Amendment, or waiver, becoming part of the health care landscape. Studies are finding that CCBHCs and Health Homes are greatly increasing access to care. He stated that the Association is seeking support for the recommendations in the document provided, related to the design and operation of Michigan's post-state demonstration CCBHC system. He listed the recommendations of this document, as follows:

- that the State use an 1115 waiver instead of an SPA
- to create a statewide plan, not a bid process
- to ensure certification criteria and processes are being followed, which include the state's mental health safety net as made up by providers in the provider networks of the CMHSPs and PIHPs when the

Provider has a contractual relationship with CMHs/PIHPs and if a provider in the network agrees to the certification of a provider organization as a CCBHC.

- support urban, suburban and rural communities
- ensure that all CMHSPs who meet CCBHC criteria can automatically become one
- that the CCBHC certification process take workforce issues into account
- recognize the need to allow time for new sites to come up to speed
- retain current Medicaid capitation payment system
- keep consistent policy and practices in the roles played by the state's PIHPs relative to financing and operations
- ensure certification standards do not conflict with the state's CCBHC standards
- require that a specific four of nine CCBHC services be directly provided (over time). To that end, the process should require that all of Michigan's CCBHCs provide the following four of the nine required services:
  - i. Screening, Assessment, Diagnosis and Risk Assessment
  - ii. Treatment Planning
  - iii. Crisis Services; and
  - iv. Outpatient Mental Health and Substance Use Services

Bob asked that this document be approved by this committee for use in talks with the Department. Kay Randolph-Back suggested that it be highlighted that ANYONE can walk through the door, as well as grant requirements that CCBHC meet certain standards on consumer involvement. This should be lifted up and emphasized. She also spoke about different funding streams for FQHCs and CCBHCs. The SAMHSA grant is not designed for year in and year out funding, and this needs to be addressed. There should be a push to highlight that the CCBHC is a true counterpart to the FQHCs to help advance the CCBHCs. Eric Doeh felt that the document was not strong enough in support of the PIHPs. He stated that his concerns are that this should be pitched to the legislature in order to codify it in that regard. Eric stated that without that strength in language, he did not feel he could support this document. Bob stated that he understood this position, but felt that if this could be passed, an adjunct document to strengthen the position for Wayne, Oakland, and Macomb to address those issues unique to the 3 Metro area stand-alone CMH/PIHPs. Eric went on to state that he did not understand the rush on approval of this document. Bob stated that Section 5 of the document addresses the fact that any CMH who wants to become a CCBHC and meets the standards, can be one. He stated that the Department is going to move forward with or without input from CMHA and we need to give them our input.

Group voted to accept the document as presented for use in discussions with the Department for input on CCBHC foundational principles, policies, and practices – with the understanding that adjunct documentation will be created to strengthen or clarify Association position.

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

No discussion on this item – informational.

Certificate of Need Psych Bed Comments

No discussion on this item – informational.

DCW Separate Recordkeeping issue

No discussion on this item – informational.

Other

There was no other business.

Next Meeting

The next meeting of the Legislation & Policy Committee is scheduled for Wednesday, January 18, 2023 at 9:30am. This meeting will be held in-person AND via Zoom.

Adjournment

Meeting adjourned at 11:03am.