

## Legislation & Policy Committee Meeting, November 14, 2018, 9:30am

Legislative Update

2018 Election Update

Alan stated that Betsy Wehl at RWC Advocacy put out an election summary that was very informative. This is included in the packet. He stated that the Democrats had a large pick up in the Congress – the largest since Watergate. He reviewed some of the Michigan results. He reported that 5 seats were gained in both the House and the Senate, but no flip occurred as they would have needed a total of 9 for either. He stated that all 3 Ballot initiatives passed, and the incoming Governor will be Gretchen Whitmer. All of the Education seats were won by Democrats as well. Alan reported that this will be the first time in 16 years where the incoming Governor will have previous legislative experience. Thirty of the incoming House members will be new, and 46 of the incoming Senate members will be new. Alan stated that educating these new legislators will be key to accomplishing our goals for the mental health system. Group asked about when the Marijuana ballot legality would come into effect. Alan stated that once the election is certified, possession will be legalized 10 days after that certification. Selling, taxation, etc. will take some time before it is worked out.

Whitmer Transition Team

Alan stated that this team typically consists of figure heads who were supportive throughout the campaign. He stated that Dr. Mona from Flint is part of the team; she was involved in the Flint Water Crisis. More details on this team were included in the packet of information.

Legislative Leadership Elections

Alan reviewed the Caucus Leadership Teams handout that was included in the packet. Group had no questions.

HB 5806-08 – Juvenile Mental Health Court

Alan spoke about this package of bills that would establish Juvenile mental health courts within a new Chapter 10C of the Revised Judicature Act (RJA), would delete references pertaining only to Juvenile mental health courts from Chapter 10B of the RJA, and would authorize the Family Division of Circuit Court to have jurisdiction over adults. He stated this was being shared with the committee as an FYI and asked if anyone in the group had any reason to have support or opposition for this package of bills. Group had neither. Alan will keep an eye on this package.

Lame Duck Items

Direct Care Wages, House CARES, AFC Licensing

Group then spoke about Lame Duck. Alan stated that those with “legacy” bills will be trying to push them through. He stated that if a bill hasn’t passed out one of the chambers yet, it’s likely it won’t be passed during Lame Duck. Items that are likely to come up during Lame Duck are Supplemental Budget, possible limits on how the budget surplus can be handled by the incoming Governor, Minimum Wage Sick Time legislation, Direct Care Wages, Auto No-Fault and School Safety Grants. Alan reviewed the mechanics of how bills are passed during Lame Duck. Group wondered if any action would be taken on the 298 process, but Alan stated that it is unlikely that any efforts would pass due to the time crunch of Lame Duck. Group continued to discuss possible items that could arise in Lame Duck such as Road Packages, etc. Alan stated that he will be sending out a list of Lame Duck Legislative items on the Association’s radar, that will include previously mentioned items, plus Adult Foster Care Home Licensing, House CARES Task Force, and raising the age of adulthood from 17 to 18 for incarceration. Alan stated that the Association is part of a larger coalition regarding the Direct Care Wage issue that will work to tag it along with the Minimum Wage increase – raising Direct Care Staff wages parallel to Minimum Wage. The ask is for 75 cents per hour, to match the Minimum Wage increase from \$9.25 to \$10.00 per hour. The Coalition is also working to have the funding for implementing this increase done in the Supplemental Budget. Action alerts will go out with information as it becomes available. Bob spoke about the work of the Coalition to see that the funding gets worked into the Supplemental Budget, stating that we are hopeful it will pass. He stated that the funding for this should be embedded in the rates, and this has been discussed with the Governor’s office. Bob also urged everyone to watch for the Action Alerts and emails from Alan regarding any Lame Duck actions that may be taking place, so no one gets caught off guard. Alan stated that he will be sending out a letter of introduction to new, incoming legislators about who we are, key pillars and general background about what we do. He encouraged everyone to reach out to their local legislators on a regular basis to educate them about our publicly funded mental health system.

Policy Updates – Bob Sheehan

SUD Rules

Bob stated that LARA changed some licensing rules, which did not include input from our system, that were detrimental for several reasons. Bob reviewed a letter to LARA from the Association which detailed what we believe the issues are with licensure changes currently being proposed, such as Barriers to Medication Assisted Treatment (MAT), disruptions in staffing, and requirements for residential detoxification. Alan stated that this letter voiced the concerns of the recommendations of who can provide services and who can be hired, that would not fall under the current licensed and certified criteria. Recommendations of how many patients a doctor can have under an MAT program were also deemed detrimental to our system, making access to service harder rather than helping. Bob Sheehan stated that in the past, LARA was totally funded by GF, but is now funded by fee income. This may contribute to the rise in those needing to be licensed. Alan then spoke about the JCAR process (Joint Commission on Administrative Rules). If JCAR does nothing, then the rules will automatically go into effect. They have 15 days to review. This timeline started on October 17<sup>th</sup>, leaving only 14 days legislatively. The Association is encouraging everyone to reach out to JCAR to let them know there are major problems with these proposed rules, so that they will be pulled back, worked on, and re-introduced next year. Group continued to discuss funding of LARA. Mark Witte stated that unlimited for Physicians may not be the best idea, but to raise the number more than what they are proposing WAS a better idea. Mark stated that LARA’s involvement is important and needs to continue. He stated that MCBAP certification is an important component but needs monitoring for progress in its course. Some in the group felt that the number of those served by physicians SHOULD be unlimited but agreed that LARA’s involvement is needed.

## HCBS

Bob reviewed the topic of Home and Community Based Waiver Rules. He stated that a survey of facilities put some of them on "heightened scrutiny" due to misinterpretations of the questions. The State is re-looking at the questions and will be allowing some to re-do the survey.

## Network Adequacy Standards

Bob reviewed the ratios for 7 different services that will tell you if your network is meeting adequacy standards. He reviewed the concerns that the Association has, which states that these standards are suggestions, not mandatory, but could become mandatory. We are stressing that these should stay guidelines, or if they become standards, we are stressing that they must be funded. The Association also points out that Rural areas have dynamics that make some of these unattainable. Also, the demand varies a lot, so consumer involvement would end up being forced. The Association believes that if these are going to become compliance standards, the adjustments will require not only funded implementation, but rate adjusted funded implementation according to regional needs and changes as a result of these changes.

Maribeth asked if these standards were aimed toward the PIHPs or CMHs. Bob stated that it would be a requirement of the PIHPs, and they would then require their CMHs to implement.

## Crisis Services – Clarification of Right to Hold

Bob stated that there when a person who is detained by Police, and subsequently brought to a crisis center, there is a requirement for pre-admission screening. The question about whether a center can hold a person once a police officer has dropped someone there needs clarification. Crisis Centers want clarification on when they can hold a person in this situation. Greg Moore has written a paper that helps clarify when to hold and when not to hold. The Association will be using Greg Moore's services to revise that letter into a white paper for us.

## Other

Ben Robinson spoke about Partners for Parity. He stated that December 14<sup>th</sup>, the Mental Health Association is holding a forum, and hopefully after that, a coalition can be reformed to help push for action in Parity. David Lloyd will be the speaker at this forum.

## Next Meeting

The next meeting of the Legislation & Policy Committee is scheduled for Wednesday, January 16, 2019, 9:30am, CMHAM office, Lansing.

Meeting adjourned at 11:41am.