

Legislation & Policy Committee Meeting, September 19, 2018, 9:30am

Legislative Update

2018 Election Update

Alan stated that there are 2 days scheduled after the elections, and then Lame Duck after Thanksgiving. He reviewed the PowerPoint that was distributed in the packet, stating that typically after eight years of being governed by one party, there is usually a switch to the other party, which indicates the likelihood of a Democratic win for Gretchen Whitmer. It looks like the Democrats will likely gain seats in both the House and the Senate. Alan believes that if a majority of seats are flipped to Democrats, that may increase the possibility of increased action in Lame Duck. He reported that redistricting and legalization of recreational marijuana are both polling lower than 50%, which indicates they may not pass in November. Typically, initiatives that are polling lower than 60% at this time prior to elections do NOT pass.

House CARES Update

Alan reviewed the recommendations and actions that were identified in this handout, and how they are moving through the process for implementing. Some of these recommendations were MH training to teachers, veterans support, and expanding the use of telehealth. He spoke about the Vivitrol 10-bed pilot program, funding 911 programs, universal credentialing, and incentives for MH workers in the state as other recommendations.

HB 6202 – CARES Hotline

Alan spoke about the Michigan Cares Hotline, and the section that would be added (Section 165) to the Mental Health Code. It would be a referral system which would enhance the current systems in place in CMHs as well as 2-1-1 services. It would include private providers as well as Medicaid covered services and CMH services. Alan stated that this bill seems duplicative and unnecessary. Kay Randolph-Back wondered if the need and outcomes could be evaluated on this after implementation of this service.

HB 5857 – Locking-Cap Closure Mechanism

Alan stated that this bill would provide that when a pharmacist dispenses a Schedule 2 controlled substance in solid oral dosage form, they must dispense in a lockable vial that uses an alpha or numeric code. Who would cover the cost of this is what is being discussed.

HB 6326 – Whiteford Bill

Alan stated this bill would provide for licensing of adult residential psychiatric centers. Ben Robinson reviewed the white paper that Rose Hill Center issued, which proposes that the state should develop a new regulatory category of licensed programs that would be titled something like "Adult Psychiatric Residential Rehabilitation Program (APRRP)". The standards should be consistent with the Mental Health Code and provide deemed status for such comprehensive programs accredited by the Joint Commission of CARF. The facility would not be licensed; the program would, with the inclusion of the facility as an element of the program. Ben reviewed details of the proposed Level 1 facility such as capacity (5-20), security features of facilities, different types of therapies and treatments, etc. Ben stated that this bill seemed to be very well written and spoke about who this would apply to. He asked if anyone had input on this bill and welcomed feedback. Group wondered about payment for room & board. Ben stated it does not cover how payment be made, but it does require room & board be provided. Group discussed insurance models.

HB 6290 – Counselor licensure requirements

Alan stated this bill would require counselors become licensed by passing an exam. He asked if anyone had questions or comments on this. No one had any.

SB 745 – AFC Licensing

Alan stated that we have been working with MALA, NAMI, The ARC and many advocates on this bill. He stated that in a meeting with Senator Shirkey last week, he agreed to have a hearing on this bill to help move it forward. This bill is regarding when an Adult Foster Care license would be needed and when one is not. This bill supports the rights of persons with disabilities to live in their own home. The proposed legislation is intended to resolve any ambiguity on this issue. Group wondered where this left the providers who have been receiving legal letters to shut down, if this bill does not pass. Alan stated he was not sure how the new incoming administration would affect that.

Lame Duck Strategy

Alan stated that the Association has issued a "Key Pillars" document that members can use as talking points with their legislators. It helps to explain who the Association is, and what it does. It explains local oversight, the workforce, social determinants, funding, exchanging information, and uniformity in level of care across the state. He stated that during the Lame Duck session, members can talk to the candidates and congratulate winners from the elections just as he and Bob Sheehan will be doing. They will also be working with partners to prepare for the Lame Duck potential fights that may arise, such as the Mental Health Code or the Social Welfare act. Alan stated that he and Bob Sheehan will be talking to the Governor's office and MDHHS about holding the line during lame duck, opposing any drastic changes without a thoughtful process. Any significant changes proposed in Lame Duck are not appropriate and should be made by new administration coming into office – not the ones leaving office. Group discussed both Gubernatorial candidates' views on the 298 process. Alan stated that both candidates had similar outlooks, and that Mental Health issues seem to be important to both.

Policy Updates – Bob Sheehan

BHDDA Administration staffing changes

Alan stated that Dr. George Mellos is now the Acting Director of the BHDDA, taking Lynda Zeller's vacated position. This is not an Interim position, but the incoming Administration could appoint someone else. Alan stated that Jeff Weiferich was appointed to replace Tom Renwick at DHHS. Alan reviewed an infographic that compared the current system to the Section 298 proposed system. He stated that the Department will be issuing an RFP for a PIHP to manage the unenrolled population. The funding for the Medicaid behavioral health "unenrolled" population will be handled by this TBD PIHP. Lisa Williams stated that the 298 pilot sites recommended a PIHP type entity be created just for the unenrolled population, which would mirror the functions of the current PIHP entity. Bob stated that in this situation, the newly created PIHP would remove the link from county governance, with no CMH Board representation. Discussions with all parties involved will be taking place in the near future.

Healthy Michigan Plan Waiver

Alan reported that the State has submitted the waiver regarding the work requirements, which if approved, would allow the continuation of HMP. If the federal government does not approve this waiver, HMP will repeal. Alan stated that we fully expect it will be approved. Other states that HAVE passed these waivers are now being challenged in the courts regarding these work requirements.

Direct Care Worker Wage

Alan stated that after Labor Day, there were 2 different ballot initiatives that were pre-empted by the legislature, keeping it from going on the ballot. Alan expects to see some legal challenges regarding trying to amend something in Lame Duck that was pre-empted for going on the ballot. Alan stated that he continues to point out to legislators that there is a cost to passing the minimum wage increase that needs to be funded. Increasing the entire pay scale for these workers is the way to handle the total cost being included. There are rumors that a supplemental budget being proposed during lame duck will likely be how The Association will ask for this to be funded.

PA MH Code Letter

Alan spoke about this letter which is regarding Physician Assistants and Nurses – who can practice and who cannot. Bob spoke about the Recipient Rights office, and the fact that they normally have no input on this. He advised that no action be taken on this letter at this time. Monique will email this memo to the group.

School Community Health Alliance policy work

Alan stated that the legislature allocated \$30 Million for the school safety alliance. He stated that the Association's Gun Violence workgroup had some recommendations for use of this funding, and he will offer suggestions on this during Lame Duck.

1115 Waiver

Alan stated that the 1115 waiver may not be accepted, and there may be a re-write of a new 1915(i) waiver. Group discussed details of this.

Group discussed the PFAS issue. Diane Pelts wondered if anyone had been approached to see if service provisions had changed to address this or offer any kind of treatment. No one had any info on this, other than the Health Department is taking the lead on outreach for this.

Meeting adjourned at 11:11am.