

## **Legislation & Policy Committee Meeting, November 20, 2019, 9:30am**

### **Legislative Update – Alan Bolter**

#### FY20 Budget

Alan stated that the September Legislation & Policy committee meeting was cancelled due to the Budget not being finalized, and a majority of the membership of this committee going to Washington, DC for Hill Day. He reported that the budget was passed in late September. There was no negotiation between the House and Senate prior to this budget being signed. The Governor provided multiple vetoes totaling almost \$1 Billion - \$235 Million of this total affected MDHHS. The Legislature is not in session again until early December. Alan stated that the Governor has the ability to move money around within Departments. The Legislature will not pass supplemental budgets unless the Governor agrees NOT to use this administrative power to move money around within departments. The Governor is refusing to give up this power. Group discussed the vetoed funding and how it will trickle down to affect the Mental Health system.

Alan reviewed the budget by line items, giving details of CMH Non-Medicaid Services, Medicaid MH Services, Medicaid SUD Services, and the State disability assistance program, among others. He spoke about Direct Care Wage Increase Annualization, Kalamazoo Psychiatric Hospital positions, ACT programs, Local Match Drawdown (local funds to be replaced by GF over the next 5 years), Recovery High School, MI CARES hotline funding reduction, elimination of the State Disability Assistance Program (\$2Million that covers per diem for SUD program), Section 294 (Integration of care coordination, but not financial integration, within Oakland County), Autism funding (fee schedule kept in the budget), Court Ordered Treatment funding cut from \$2 Million to \$1Million, BH fee schedule, Skill Building Assistance Services, MAT (best practices for Medication Assisted Treatment), and Section 974 which would require PIHPs and DHHS to allow any I/DD individual to have services through another provider other than CMHSPs; even PACE or MI Choice. Also discussed were Federal opioid dollars earmarked for other programs, inpatient psychiatric hospital workgroups, and LARA boilerplate that would prompt action to work on licensing rules for social detox and residential detox.

Alan then spoke about the 147 line item vetoes, which eliminated Section 298, 972, 977, 978, 926, 1920 and 1930. Also vetoed was Section 515 (LARA language). The Governor did restore the \$2Million that would fund the State Disability Assistance Program.

Alan spoke about the 47 Supplemental Bills that were introduced in the House and Senate to restore specific pieces of the FY20 Budget, including SB 559 & HB 5065 (pediatric psychiatric increases), SB 564 & HB 5067 (Autism Navigators), SB 548 & HB 5071 (Opioid response grant for High Schools), SB 551 & HB 5072 (Opioid response grant for Community Recovery organizations), SB 552 & HB 5082 (pilot program to train people for intervention in Autism), SB 567 & HB 5068 (an Autism train the trainer program), and SB 557 & HB 5073 (Project ECHO opioid intervention). Alan then spoke about the proposed Supplemental of \$49.8 Million that would have gone to PIHPs. This supplemental does not look to move forward. The Medicaid rates received from the Department assumed this funding would be in there, but this is the Departments issue to be resolved; not the PIHPs.

#### Section 298

Alan stated that the Governor vetoed this entire Section. The Department has announced that they are moving on from this Pilot process. The Department will continue to look at system redesigns for healthcare integration.

#### House DHHS Behavioral Health Hearings

Alan stated that the Chair of the House DHHS Behavioral Health Hearings, Representative Mary Whiteford, held six different hearings to listen to Behavioral Health issues. Alan will send slides from all who presented at these hearings to this group. Alan stated that Director Jim Haveman's presentation promoted having the Health Plans take the reigns for Mental Health services. Jeff Patton gave a presentation that countered this position. Both Alan and Bob Sheehan presented at a different hearing a week later, establishing why the system is built the way it is, speaking about integration and the right ways to accomplish that. Alan spoke about Iowa and Kansas, whose integration efforts did not go so well, and how our efforts could work better having learned from that. The Medicaid Director from Arizona came and spoke at one of these hearings regarding the carve-in for that State. During the last 2 of these 6 hearing, public testimony was heard. On December 4, Director Gordon will talk to the House DHHS Behavioral Health Committee about what the plan for MDHHS will be moving forward. Group wondered if the Senate may take any action like the House has to educate themselves on the Behavioral Health issues. Alan has not heard of anything like this upcoming.

### HB 4325 – LPC Legislation

Alan stated that LARA was moving administrative rules forward that would affect LPCs ability to diagnose. The rules did not match up in statute, so LARA aimed to change the rules to match the statute. HB 4325 passed the House and Senate in one week, and the Governor passed it the week later, which codified current LPC role as laid out in administrative rules. Group discussed whether or not any advocacy efforts were being worked on to show the detrimental effect this could have on the system. Alan stated not that he was aware of.

### HB 4980 – 4985 – Expungement Legislation

Alan stated this package of bills would result in many felons having certain misdemeanor offenses set aside. Association supports this package of bills.

### HB 5043 – Mediation language

This would offer mediation as part of the dispute resolution process. Currently, a complaint needs to be filed for this process to start. This would change so that would not be required. Association has been working to move this forward.

### HB 5178 – Credentialing Legislation

Alan stated that this bill would no longer require staff who provide services (including Direct Care Staff workers) be credentialed from County to County. One Credentialing would cover throughout the state. Group expressed concern that if licensing is required by federal rules, a State law that says you DON'T have to have one may be a problem. Group also expressed that this specified CMHs, and that should be taken out in order to be inclusive of all health care providers. Alan stated that the Association will continue to work on the wording of this bill.

### **Policy Updates – Alan Bolter**

#### DHHS System design

Alan stated that Director Gordon gave his vision of where the Department will be heading in a presentation at the Fall Conference, stating they are moving away from the Section 298 Pilot process. Alan reported that the Department has been meeting with CMHs, PIHPs, Providers, and stakeholders. The Department hopes to put out a vision/plan in mid-December for a System Re-design. Waiver and Statute changes will still need to take place. CMS will need to sign off as well. Group discussed how these meetings with CMHs, providers, etc., have been going. The Department is recognizing the shortfalls regarding HIE (health information exchange) and is committed to working to fix this. Group discussed possible outcomes of these discussions with the State such as some type of public/private partnerships. Group discussed matching Medicaid dollars with Medicaid dollars as not being allowable. Also discussed were penetration rates for mild/moderate and whether the State is monitoring that. Alan stated that both of these issues would be on the list to discuss with the State once integration starts being worked on.

#### Opioid Task Force News

Alan reviewed the handout that was distributed to the group. Media Campaigns to reduce stigma, removing prior authorization and expanding Medication Assisted Treatment were some of the highlights of this release from the Department.

#### Healthy Michigan Work requirements

Alan gave a brief update on the work requirements that were sent out via email today. He stated that a tool kit was issued from the Association for use by our members. On the SUD side, privacy rules per 42CFR could see the potential for some to be removed from the program. Group discussed the fact that if you are losing people, even those that you don't serve, this is going to affect your funding.

#### Other

Group discussed a policy related to LLPs ability to bill for Medicaid Services that may create capacity issues. Group wondered if there would be the need for sign off from a Doctor. Group wondered where such a policy would come from. Alan stated it would have to be from LARA. Group then discussed the Governor's Jail Taskforce, wondering what may come from this group, and how it could be included in any newly proposed integration. Group agreed it would need to be included in discussions moving forward with the Department.

Meeting adjourned at 10:54am.