



PAIMI Council Meeting Minutes
Via Zoom
April 20, 2021 at 11:00 a.m.

Call to Order

Chair Malkia Newman called the meeting to order at 11:02 a.m.

Attendance

Present: Amanda Absher, Kehli Henry, Marie Jackson, Malkia Newman, Mark Reinstein, James Rye, Lois Shulman, Trina Tocco

Absent: Kevin Fischer, Chris Franklin, Davin Hemmila, Charles Scott

Staff: Michelle Roberts, Theresa Diebolt, Kyle Williams, Mark McWilliams, Michele Brand, Kris Keranen

Approval of Agenda

Chair Newman requested a motion to approve the agenda. Marie Jackson so MOVED, and Mark Reinstein seconded.

ROLL CALL VOTE:

AYES: Absher, Henry, Jackson, Newman, Reinstein, Rye, Shulman

NAYS: None

Motion carried.

Approval of Minutes

Chair Newman asked for a motion to approve minutes from the February 2, 2021 meeting. Marie Jackson so MOVED, and James Rye seconded.

It was noted that the minutes need to be amended to reflect discussion regarding HB5832 and concern around the fact that crisis stabilization programs can hold someone against their will for up to 72 hours.

ROLL CALL VOTE:

AYES: Absher, Henry, Jackson, Newman, Reinstein, Rye, Shulman

NAYS: None

Motion carried.

Financial Report – Michele Brand

Michele Brand said there was not much to report on since no one is traveling or spending money due to COVID-19. The PAIMI grant is about 3% overspent which is good and there has been a lot of PAIMI activity lately. We had some unexpected legal costs for transcripts and interpreters but overall, we should be okay.

Marie Jackson MOVED to receive and file the financial report and Lois Shulman seconded.

ROLL CALL VOTE:

AYES: Absher, Henry, Jackson, Newman, Reinstein, Rye, Shulman

NAYS: None

Motion carried.

Grievance Update

Grievance update was given by Theresa Diebolt stating three grievance forms were requested and one grievance was filed since the last meeting. That grievance was a PAIMI case and Kyle Williams has responded to the grievant.

Kehli Henry MOVED to receive and file the grievance report and James Rye seconded.

ROLL CALL VOTE:

AYES: Absher, Henry, Jackson, Newman, Reinstein, Rye, Shulman

NAYS: None

Motion carried.

Public Comment

No one from the public was present.

Legislative Update

Legislative update was given by Mark McWilliams. He indicated that Sarah Palacios has joined his team as a quality assurance and data integrity specialist. Sarah has worked on the information and referral team for several years prior to joining his team.

A few legislative highlights are direct care wages were increased from \$2.00 to \$2.25 supplemented through the end of September. In addition, the Governor's office has included that amount as a permanent premium in the 2022 state budget. The average wage for direct care workers is around \$11.47 per hour.

DRM advocated with a number of other organizations to give people with disabilities priority and move them up the list for vaccination eligibility. The Governor did give a two-week advance, and now all Michigan adults are eligible for the vaccine.

DRM has been involved in putting together a set of model recommendations for community mental health services. There was a proposal put forward by the Senate that essentially revived the Section 298 proposal to give community mental health services back to the private health plans. The proposal has three phases to it.

The bill DRM opposed last year on nurse practitioners and physician's assistants is back and is now SB 191. There has been some discussion and there may be some amendments to that bill. There was further discussion with council members.

A question was asked if any discussions have been held regarding HB 5832. It was suggested that we could possibly introduce a new bill, or we could go to court. McWilliams mentioned forming an advisory group to discuss public policy issues and a group to discuss social media. Members should contact Theresa Diebolt if they are interested in either or both groups.

In the Governor's budget, she has adopted one of our recommendations for expanding the number of slots available for home nursing under the MI-Choice program. There was money appropriated for it, and we have provided testimony in support of that budget language.

McWilliams recently learned that appropriations subcommittees have started meeting and a couple of the committees have approved quarterly budgets which is very unusual as it is usually for the entire fiscal year. This is a development to watch. If that happens with the DHHS budget, we will be doing supplemental budget advocacy all the time.

McWilliams boasted that DRM had over 31,000 unique website visitors to our website in the 2nd quarter which was more than double what we had in the 1st quarter and more than quadruple any quarter in 2020. We are happy to see our website getting a lot of exposure.

Mark Reinstein MOVED to receive and file the legislative report and James Rye seconded.

ROLL CALL VOTE:

AYES: Absher, Henry, Jackson, Newman, Reinstein, Rye, Shulman, Tocco

NAYS: None

Motion carried.

Litigation Update

Kyle Williams began by stating he filed a new PAIMI lawsuit last night (April 19, 2021) regarding a woman who was incarcerated at Women's Huron Valley Correctional Facility. She was administered a lethal dosage of an antipsychotic medication they were using to stabilize her mental illness and she died from that. As a result of a DRM investigation, there are a number of troubling pieces of evidence that accompanied her death. This was about a year and a half investigation, and we decided to take legal action.

Williams said he has extended the NGRI (Not Guilty by Reason of Insanity) lawsuit. We continue to work with the State and a stipulated request has been made to the Court to extend the deadline to complete the interim settlement to July 6, 2021.

KB is the children's crisis mental health service class action lawsuit which is almost totally funded by PAIMI but there are some PADD dollars being utilized. We have entered into an interim agreement. He stated there are several rumors going around regarding this case, and he wanted to clarify a few things with Council members. He stated the goal of the lawsuit is to keep kids in the least restrictive setting, and ideally keep them out of psychiatric hospitals. Williams outlined some specific language within that agreement. He further expressed that we are seeking to achieve two things as a result of this lawsuit, one of which is accountability of MDHHS. We want to make sure they are invested and held accountable in ensuring children in the state will get all the necessary medical services for mental and behavioral health they are entitled to regardless of where they live or what their CMH is willing to give them. The other thing is we will ask for very specific things regarding access to services like where individuals will receive services in a least restrictive setting and what services they will be entitled to. We want to make sure all kids have access to the information they need to receive services they need.

Marie Jackson MOVED to receive and file the legislative report and Mark Reinstein seconded.

ROLL CALL VOTE:

AYES: Absher, Henry, Jackson, Newman, Reinstein, Rye, Shulman, Tocco

NAYS: None

Motion carried.

Child Caring Institutions and Juvenile Justice facilities

Kris Keranen wanted to share a few updates including the death of Cornelius Fredrick, a 16-year-old black youth who was in a Child Caring Institution (CCI) called Lakeside Academy. He had been placed there due to abuse and neglect. Generally, youth get placed in an institution through the abuse and neglect or the delinquency

system, and many of them have mental health issues, particularly youth who end up in foster care. Cornelius was killed in a prone restraint that went on for a long period of time. It was not the first time the institution had problems. They had a long history of investigations and findings of noncompliance and the death finally resulted in charges against staff and in revoking their license.

A review was done of the Child Caring Institutions in Michigan and as a result the Department of Health and Human Services set up a number of workgroups to look at specific recommendations that had been made and licensing regulations.

Keranen stated that her team has been looking into the education youth are getting in Child Caring Institutions. Children without biological or adoptive parents have specific special education rights that are not being met along with other issues.

Another issue the Education Advocacy team is looking into is getting a list of all Child Caring Institutions in the state and who is providing education to the children in those facilities. MDHHS responded and said they do not have that information. The Department of Education also responded stating they do not have the information.

PAC Operating Procedures

The following revisions have been made to the PAC Operating Procedures.

B. Structure

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7. ~~Reimbursement of expenses.~~ (1) Allotments may be used to pay for all or a part of the expenses incurred by members of the advisory council in order to participate in its activities. Expenses may include transportation costs, parking, meals, hotel costs, per diem expenses, stipends or subsistence allowances, and the cost of day care or childcare (or its equivalent for the child's travel and subsistence expenses) for their dependents with mental illness or developmental disabilities.

C. Guidelines for Operation

1. PAC members may attend the DRM board meetings in a non-voting capacity with the exception that the PAC Chair is a voting member of the DRM Board of Directors.
2. Unless otherwise invited to attend the DRM Board meeting(s), expenses for attending board meetings are not reimbursed by DRM.

3. Reimbursement for PAC related expenses will be paid to PAC members by DRM, in accordance with DRM expense reimbursement policies.
4. The Chair of the PAC will act as liaison to the DRM Board of Directors and *vote accordingly.* ~~voting as an DRM Board Member will be in accordance with the recommendations of the PAC.~~

Revised April 2021

Amanda Absher MOVED to accept revisions to the PAC Operating Procedures and Lois Shulman seconded.

ROLL CALL VOTE:

AYES: Absher, Henry, Jackson, Newman, Reinstein, Rye, Shulman, Tocco

NAYS: None

Motion carried.

Old Business

1. Council membership - Michelle Roberts reminded council members they are still in need of an attorney.
2. Conferences/trainings/initiatives - members were reminded when they attend any conferences or trainings, or speak to a group about DRM, they should let Theresa Diebolt know so she can keep track of those for reporting on the annual Program Performance Report (PPR).
3. Updates to member contact list.

New Business

1. Conferences/trainings/initiatives - Michelle Roberts reminded members of the annual conference put on by the National Disability Rights Network (NDRN) and that it would be virtual again this year. Members can register for sessions they are interested in at no charge to them.
2. Topics/interests - Members were asked if they had any topics of interest they would like discussed at future meetings. Discussion was held and it was suggested that perhaps staff or a speaker could talk about criminal justice, crisis intervention, and racial issues. And perhaps a presentation on mental health institutions, confinement to beds, and what DRM is doing regarding these mental health issues. Michelle Roberts explained we are working on diversity, equity, and inclusion (DEI) and we will provide an update at the next meeting. DRM also does a lot of work in state hospitals and are involved in those types of settings.

3. Review draft of **PAIMI Advisory Council Public Comment Procedures**

Amanda Absher MOVED to adopt the draft of the PAIMI Advisory Council Public Comment Procedures as an interim document and Mark Reinstein seconded.

ROLL CALL VOTE:

AYES: Absher, Henry, Jackson, Newman, Reinstein, Rye, Shulman, Tocco

NAYS: None

Motion carried.

4. PAC member portal – this will be added to the agenda for the next meeting.

Next meeting & agenda items

Tuesday, August 17, 2021

Additional agenda items for next meeting

1. Interim public comment procedures document
2. PAC portal
3. Kris Keranen – education team update
4. Staff to talk about criminal justice related efforts
5. DEI update

Adjourn

There being no further business, Chair Newman adjourned the meeting at 1:46 p.m.