



**PAIMI Council Meeting Minutes**  
Via Zoom  
August 17, 2021, at 11:00 a.m.

**Call to Order**

Chair Malkia Newman called the meeting to order at 11:09 a.m.

**Attendance**

Present: Marie Jackson, Malkia Newman, Mark Reinstein, Lois Shulman, Trina Tocco, Davin Hemmila

Absent: Kevin Fischer, Chris Franklin, Charles Scott, Kehli Henry

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

**Approval of Agenda**

It was suggested that the agenda be amended to move review proposed focus areas for 2022 and new application to consider up so members have enough time to discuss and vote.

Chair Newman requested a motion to approve the amended agenda. Lois Shulman so MOVED, and Trina Tocco seconded.

ROLL CALL VOTE:

AYES: Hemmila, Jackson, Newman, Reinstein, Shulman, Tocco

NAYS: None

Motion carried.

**Approval of Minutes**

Chair Newman asked for a motion to approve minutes from the April 20, 2021 meeting. Mark Reinstein so MOVED, and Marie Jackson seconded.

ROLL CALL VOTE:

AYES: Hemmila, Jackson, Newman, Reinstein, Shulman, Tocco

NAYS: None

Motion carried.

## **Focus Areas and Objectives for FY2022**

Michelle Roberts reminded members that DRM is required to present our proposed focus areas and objectives to you, the Advisory Council, every year and get your input and approval and any additional suggestions. We have five focus areas, formerly called priorities, and there are objectives and activities under each of them. We now have 10 different funding sources and PAIMI is one of those sources.

Roberts presented the proposed focus areas for fiscal year 2022 and summarized the proposed changes as highlighted in the handout. There was discussion and suggestions were made for minor changes to the proposal. Once revisions are made, the proposed focus areas will be presented to the board of directors at the next meeting.

Upon approval by the board, they are written into an application and submitted to SAMHSA for approval. PAIMI is the only funder that requires this process.

Marie Jackson MOVED to accept the proposed focus areas and Davin Hemmila seconded.

ROLL CALL VOTE:

AYES: Hemmila, Jackson, Newman, Reinstein, Shulman, Tocco

NAYS: None

Motion carried.

## **Council membership**

Michelle Roberts announced that council member, Amanda Absher, submitted her resignation as she was hired as an investigator-advocate for DRM. She is working on the Community and Institutional Rights (CAIR) team.

An application was submitted to the council for review and consideration. A discussion commenced and a motion was made.

Marie Jackson MOVED to appoint Fiona Hert to the council pending completion of her application and Lois Shulman seconded.

ROLL CALL VOTE:

AYES: Hemmila, Jackson, Newman, Reinstein, Shulman, Tocco

NAYS: None

Motion carried.

### **Financial Report – Michele Brand**

Michele Brand stated that PAIMI is 1% underspent as a whole and there's a couple items that were overspent but we can pull from other line items to make up for it. She does not have any issues. The council expenses are under due to not meeting in person and people not attending conferences and trainings due to COVID-19. We are a little over on staff spending but we will adjust that going forward and that is due to council members being more active, having longer meetings and additional meetings.

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

ROLL CALL VOTE:

AYES: Hemmila, Jackson, Newman, Reinstein, Shulman, Tocco

NAYS: None

Motion carried.

### **Grievance Update**

Grievance update was given by Theresa Diebolt stating five requests were made to receive a grievance form. Two grievances were filed, one being PAIMI related, since the last PAC meeting. Discussion was held relating to the PAIMI grievance.

### **Public Comment**

No one from the public was present.

### **Legislative Update**

Legislative update was given by Mark McWilliams. There are some federal initiatives going on including one we have been involved in. It is guidance from US Office for Civil Rights and Dept. of Education put out in 2014 on including nondiscrimination and the administration of school discipline that affects students with disabilities including students with mental illness. The Trump administration had rescinded the guidance in 2018, the Biden administration is now asking for information on whether the guidance should be reinstated. We signed onto a national letter supporting reinstatement of the guidance and also wrote a separate state letter, in collaboration with the ARC of Michigan and Michigan Alliance for Families, to reinstate the guidance.

McWilliams went on to say there were a couple of administrative rules we provided testimony on that were adopted. One is a Michigan Supreme Court rule that limits the use of shackles in juvenile court. We commented in writing that we supported

that restriction and the court agreed and adopted the rule. The other rule we supported and provided testimony on was the licensing rule requiring healthcare professionals to receive implicit bias training. That rule was adopted as well.

McWilliams stated we have been involved in a lot of budget work involving direct care wages and the MI Choice program. We are working with other groups on direct care wages and know the current increase is not enough.

McWilliams gave a shout out to Mark Reinstein for being quoted in Crain's on the SB191 bill regarding restraint and seclusion. We are involved and working on amendment language for that bill.

Discussion was held with council members on the Shirkey and Whiteford bills.

### Litigation Update

Kyle Williams began by expressing the proposals being discussed (Shirkey and Whiteford) are substantial and will have significant impact. DRM is staying neutral on these bills due to the KB litigation.

In the KB litigation we represent a proposed class of kids that could be 50,000 to 200,000 depending on the class definition. We feel that ethically and philosophically our clients take priority for our actions in what we choose to do and not to do. The lawsuit primarily focuses on accountability at the single state agency level at MDHHS. We had a federal judge in that case conclude that MDHHS bears responsibility for not only the payment of Medicaid services of individuals under the age of 21 and served by Medicaid but also for the provision of those services and, ultimately, the key to having improvements to the system no matter where it ends up. There's going to be contract enforcement and it will require MDHHS to have a real commitment to what the outcomes for the individuals are. Monies will go to providers who will provide services and be held accountable to provide needed services to keep individuals out of psychiatric institutions and close to their family and part of the community.

Williams indicated the case is set to be settled near the end of September, however, is hoping it will be settled by the end of the year and moving into an implementation phase. There is a lot of work to be done to get kids out of psychiatric institutions and get them the services they need. DRM continues to meet with the state biweekly to get this case closer to being resolved.

Williams announced the NGRI (Not Guilty by Reason of Insanity) lawsuit has been settled. About two years ago, we filed a lawsuit against MDHHS regarding a number of issues related to NGRI process. We think we have made a lot of substantial

improvements that are highlighted on our website. They primarily fall into two different categories which are due process and individuals being guaranteed to be served in the least restrictive setting, and probably the most substantial change is there will no longer be Authorized Leave Status (ALS) contracts. ALS contracts have been used for years allowing the NGRI Committee to have control over where individuals would be placed. Now the individual's plan of service will control their destination instead of the NGRI committee. This will also lift a lot of restrictions placed on people with NGRI status such as employment, housing, licenses, etc. We are hoping this will eliminate the overuse of psychiatric hospitals for adults and children.

### **Child Caring Institutions and Juvenile Justice facilities**

Kris Keranen shared some information about a case she's been working on involving a young child who was placed in a secure child caring institution through the juvenile court. He was a ward of the state and there hadn't been an effort to place him in a family foster home. He had limited opportunities for education and never received services that he was entitled to in his IEP (individualized education program). We worked with his foster dad and filed a complaint on his behalf with the Michigan Dept. of Education. While the complaint was being investigated, we learned the charter school serving this young student had issues with its authorization. The department found the district out of compliance on many issues, and they directed the district to provide compensatory services and made sure we knew what we needed to do to ensure the student received the services.

Kris also talked about how the different teams at DRM work on the same or similar cases in a different capacity and how those efforts can lead to work for other teams.

### **Old Business**

1. 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).
2. Updates to member contact list.

### **New Business**

1. Conferences/trainings/initiatives - Malkia was pleased with the National Disability Rights Network (NDRN) conference this year. If any members know of any trainings and/or conferences, please share with the council.
2. Topics/interests - Members were asked if they had any topics of interest they

would like discussed. It was asked that prison work be added to the agenda for next meeting. Also, self-determination is an interest.

### **Public Comment procedures**

Michelle Roberts did some research on how to handle public comment at council meetings and provided guidelines to the members. She stated that people from the public may attend meetings and are generally allowed three minutes to provide comments. Council members are encouraged to listen and show respect however not engage in conversation with those who provide public comment. Further discussion was held, and it was suggested, in the interest of time, to revisit this at the next meeting for further discussion and adoption.

### **PAIMI Advisory Council (PAC) Portal**

A portal has been created and can be accessed with a password. All meeting zoom links, meeting materials and standing documents will be available.

### **Next meeting & agenda items**

Tuesday, November 16, 2021

PAIMI ACR, Prison work, self-determination, public comment procedures, public policy committee

### **Adjourn**

There being no further business, Chair Newman adjourned the meeting at 1:45 p.m.