



PAIMI Council Meeting Minutes
Via Zoom
August 16, 2022

Call to Order

Vice Chair Marie Jackson called the meeting to order at 11:04 a.m.

Attendance

Present: Marie Jackson, Trina Tocco, Joelle Gurnoe-Adams, Veronica Ibrahim, Fiona Hert, Chris Land, Christina Agle

Absent: James Rye, Charles Scott, Lois Shulman, Chris Franklin, Davin Hemmila

Staff: Michelle Roberts, Theresa Diebolt, Kyle Williams, Kris Keranen, Michele Brand, Rebecca Kasen

Guest: Christin Nohner, Lobbyist

Approval of Agenda

Vice Chair Jackson requested a motion to approve the agenda.

Joelle Gurnoe-Adams MOVED to approve the agenda and Chris Land seconded.

AYES: all

NAYS: none

Motion carried.

Approval of Minutes

Vice Chair Jackson asked for a motion to approve minutes from the April 19, 2022, meeting.

Joelle Gurnoe-Adams MOVED to approve the minutes and Fiona Hert seconded.

AYES: all

NAYS: none

Motion carried.

Financial Report

Michele Brand provided a financial update saying since we are continuing with virtual meetings, she will decrease the PAIMI Council expenses, including meeting,

conference, and travel expenses, and increase the budget for salaries to balance it out.

As for the PAIMI budget for the organization we are a little under as Michele reminded the council that we pay insurance premiums upfront. We have spent a little more on legal costs this year, so she had to move some money from contracts and other areas to cover those, but we are in good shape with the overall budget.

Grievance Update

Grievance update was given by Theresa Diebolt stating there were two requests for a grievance form since the last meeting and both requests were PAIMI related cases. Neither one of those has submitted a grievance as of the date of the meeting.

Public Comment

One individual provided a public comment.

Legislative Update

Christin Nohner acknowledged there is a lot going on in the political realm with the primary election and gubernatorial race. We did have our fiscal year 23 budget pass right before the legislature adjourned in the early morning hours of July 1st. The general omnibus budget was approved along with the school aid budget which had been previously approved and was sent to the governor's desk for the fiscal year 2023. There was some discussion and speculation on general funds, school aid funds, and COVID relief funds.

On the behavioral health reform front, as you are probably aware, there's two major proposals on the table. One that would essentially create specialty integrated plans and in essence bring the behavioral health system, or at least all the behavioral health services, that were previously under the purview of PIHP's over to commercial health plans that would operate as specialty integrated plans. The other one would create a statewide ASO that would contract directly with CMH's and providers and would function much differently. The main thing we will be looking out for before the election is some type of supplemental agreement.

There was some discussion around the August primary election and what's to come in 2023. There was also discussion regarding education and Nohner stated the most positive news coming out of the budget negotiations was the heavy investments in education, mental health supports as well as special education services. That was a big emphasis for the governor and the legislature was very supportive of that as well.

Litigation Update

Kyle Williams commented on the progress in the case we have in the eastern district CK vs Oakland County Community Mental Health. It's a case that rules around a young man's access to services and the enforcement of a prior settlement agreement that was reached on his behalf in 2016. That settlement sought to enforce some guarantees for Medicaid services, primarily community-based services, and crisis services, that this young man needed to remain in a family like setting and in the community to avoid institutionalization. COVID's impact on the labor markets that provide community mental health services in a least restrictive setting have had a lot of negative impacts. Additionally, the CMH board approved implementation of the preliminary injunction that was granted which progresses the case quite substantially in that it eliminates an impossibility defense that ultimately the CMHs are left with limited options on how to communicate to the court of why entitlement services are not being provided to people after they've been determined medically necessary. The case is not completely over but we are in a position to move to show cause and move for contempt and start to seek out some monetary penalties.

We are continuing the implementation of our NGRI lawsuit. There are some new changes that are going to be implemented as a part of the not guilty by reason of insanity process. Changes will include ensuring individuals are not remaining in the hospital beyond the time in which they are ready for discharge or ready to be in community-based placement as well as preventing people from being re-hospitalized for nonmental health related issues. Re-hospitalizations are now being fully conducted through the general civil commitment process. We have been able to fix a number of issues with plans of care and risk provisions within people's plans of care there were not related to the underlying crime. Things like not being able to get a job and not being able to go to school. We had a lot of success in having those removed and there's been several individuals who have been able to go on and go to school and get jobs and you know be able to reintegrate into the community successfully as part of that lawsuit.

We continue to make progress on the KB litigation, the children's' mental health and crisis service lawsuit. We filed a motion for class certification, and it was unopposed by the state and is under advisement. They will be making a decision on it without hearing.

The class is very extensive and will include children with mental illness and behavioral and developmental disabilities. This should be one of the most expansive Early and Periodic Screening, Diagnostic, and Treatment (EPSDT) class actions in the nation under the current class definition. We expect it to be in the tens of thousands of kids in Michigan that meet the class definition. We know there are a lot of issues with mental health services across the state and we are working with experts with the department developing programs and the service array that are going to be needed in order to give those kids the best chance that they can get

to remain in a family like setting and avoid institutionalization, and hopefully grow up into adults that won't be placed in our prisons and psychiatric hospital systems.

Williams was happy to report on a new hire, a very good attorney, who will be doing employment work. He stated we have several PAIMI cases in the hopper, but we need experienced attorneys who do federal litigation. He is hopeful to increase capacity and have updates on additional cases that are PAIMI related as well as report progress on larger legal issues that are impacting not only the PAIMI population but everyone who receives services in the state.

There was discussion around settlement agreements, attorney fees, and self-determination.

Education Update

Kris Keranen discussed how important it is to focus on trying to fix the system instead of one individual at a time. We continue to get phone calls related to the Oxford shooting and we are continuously looking for ways to keep kids safe in school without negatively impacting kids with disabilities who are most likely to feel the impact of an overreaction.

The Governor has assembled a juvenile justice reform task force and we were asked to serve on the advocate subcommittee, so we had some say in trying to make sure the disability related behavior is not criminalized. The Governor also recently had a press release where she highlighted the "ok to say" annual report which is a school-based tip line that is run by the Michigan State Police. There is a lot of information but unfortunately nothing about making schools safer or whether it might refer kids to juvenile court or remove them from school.

Keranen shared some good news in that the US Department of Education issued guidance in July on avoiding discrimination and discipline and it talked about not using the police and not using exclusionary discipline in responding to kids who have issues and need support in school. The Michigan Department of Education is responsible for ensuring special education laws in Michigan are enforced. We have a lawsuit against the Michigan Department of Education to make sure when they identify noncompliance that the noncompliance gets corrected.

CAIR Team Update

Rebecca Kasen gave some updates on the hospital discharge project. Poor communication within the system led to the defense attorney and judges not being made aware of individuals who were ready for discharge. As a result, some judges asked for training on the discharge process. The team has been working with Dr. George Mellos, Deputy Director, State Hospitals Administration and getting his input on issues that individuals were experiencing when they were ready for discharge. Kasen indicated the team has been attending court hearings and noted Psychiatrists

were improperly filling out the clinical certificates because they were afraid people would be discharged to the streets. They feared what could happen to some individuals who may need supports in the community and did not have a plan in place. With the help of Dr. Mellos, clinical certificates are now being completed more accurately.

Review Proposed Focus Areas for FY2023

Michelle Roberts reminded the council of its responsibilities and the requirements of our federal funders surrounding the process of setting annual priorities or focus areas for the following fiscal year. Roberts explained the changes that were made for fiscal year 2023 and presented the proposed focus areas to the council for input and approval. Discussion was held and council members provided input. Once approved by the PAIMI Advisory Council and the Board of Directors, they are written into an application that is submitted to SAMHSA for approval. PAIMI is the only funder that requires this process.

Council members were emailed the changes on August 16, 2022, and unanimously approved the proposed focus areas for FY2023.

Old Business

1. Kehli Henry resigned from the council. Discussion was held regarding obtaining new council members.
2. Members were encouraged to attend conferences, trainings, etc. and let Theresa Diebolt know what events you attended.
3. Members should notify Theresa Diebolt of any changes to their contact information.

New Business

1. Annual forms need to be completed by all members.
2. Members are encouraged to share notice of any conferences and trainings that you find may be interesting.
3. DEI – tabled until next meeting.
4. Members can notify Theresa Diebolt if you have any topics of interest to add to the agenda.

Next meeting & agenda items

Tuesday, November 15, 2022, is the next scheduled meeting.

Adjourn

Chair Jackson adjourned the meeting at 1:25 pm.