

final minutes

State Drug Treatment Court Advisory Committee (SDTCAC) Meeting

10:00 a.m. • Tuesday, January 11, 2022

Legislative Conference Room • 3rd Floor Boji Tower Building

124 W. Allegan Street • Lansing, MI

Members Present:

Judge Amy Ronayne Krause, Chair
Judge Raymond Voet, Vice Chair
Judge Susan L. Dobrich
Judge Shannon A. Holmes
Andrew Konwiak
Prosecutor Douglas Lloyd
Sheriff Michael Main
Christina Nicholas
Judge Julia B. Owdziej
Andrew Smith
Ines Straube
Alma Valenzuela

Members Absent and Excused:

Heidi Cannon
Judge Mark Latchana
Judge Joshua Farrell
Mark Risk
Stacy Salon
Kyle Sofia

I. Call to Order

Chair Amy Ronayne Krause called the meeting to order at 10:00 a.m.

II. Roll Call

The Chair asked the clerk to take the roll. A quorum was present and absent members were excused.

III. Recommendation of Appointment of New Member

The Chair reported Judge Dobrich is not seeking reappointment due to retirement. The Chair noted the committee has not heard anything from leadership about this appointment but will keep the committee updated. The Chair asked for discussion on replacement suggestions. Judge Dobrich clarified her appointment is for family court. Judge Hoffman asked if Judge Dobrich would be willing to serve until a new person is appointment, Judge Dobrich agreed. The Chair asked the clerk to reach out to potential candidates to confirm if there is interest.

IV. Recommendation of Appointment of Current Member

The Chair reported Ms. Nicholas accepted new employment. The Chair asked to hear what the committee members think about keeping Ms. Nicholas on the committee noting there is precedent for members to continue on the committee even if their jobs have changed positions. Ms. Nicholas is serving in a position as probation officer. At the direction of the Chair, the clerk clarified Ms. Nicholas position is serving in the role as an individual representing a substance abuse coordinating agency. Ms. Nicholas confirmed that position would not fit in her new employment. Ms. Nicholas expressed desire to continue to serve as long as there is no conflict of interest with her new employment. Ms. Nicholas noted in the law that transferred coordinating agencies into the PHIP system it did say for the purposes of funding the PHIP is the coordinating agency; therefore, it would have to be another director at one of the PHIPs. The Chair asked Mr. Smith for guidance if Ms. Nicholas's new employment is a conflict. Mr. Smith will look into the committee's by-laws and report back. The Chair directed to the committee in terms of a new person who is head of an PHIP if there were suggestions. There was discussion of potential candidates to which Ms. Nicholas will follow up to confirm if there is interest.

V. Certificates of Appreciation for the Honorable Susan Dobrich

The Chair announced that a Certificate of Appreciation has been prepared for Judge Dobrich in recognition of her years of service to the Committee. The Chair noted the certificate will be signed by Jen Dettloff on behalf of the Legislative Council and herself on behalf of the Committee and asked the clerk to transmit the certificate to Judge Dobrich. The Chair expressed gratitude for Judge Dobrich's contributions to the committee and the drug treatment court. Judge Hoffman, Judge Voet, and Judge Owdziej expressed appreciation for Judge Dobrich's commitment to the committee and to the drug courts. Judge Dobrich expressed gratitude in serving with members of the committee.

VI. Approval of Proposed October 19, 2021 Meeting Minutes

The Chair directed attention to the proposed minutes of the October 19, 2021 meeting and asked if there were any changes. There were none. **Judge Voet moved, supported by Ms. Straube, to approve the minutes of the October 19, 2021 State Drug Treatment Court Advisory Committee meeting as presented. There was no further discussion and the Chair asked for a roll call vote. The motion prevailed and the minutes were approved.**

Yeas: 11

**Chair Ronayne Krause
Judge Voet
Judge Dobrich
Judge Holmes
Mr. Konwiak
Prosecutor Lloyd**

**Sheriff Main
Judge Owdziej
Mr. Smith
Ms. Straube
Ms. Valenzuela**

Nays: 0

Abstain: 1

Ms. Nicholas

VII. Support of Legislation

The Chair reported if there is a motion and vote for support of legislation a letter of support will be sent from the Chair of the SDTCAC to leadership and the appropriate legislative committee chair.

a. HB 5482, violent offender eligibility for drug treatment court (see attached).

The Chair reported this bill has been referred to the Committee on Judiciary. **The Chair called for a motion to support HB 5482, Judge Voet moved, supported by Ms. Valenzuela.** The Chair opened for discussion. Ms. Straube asked for clarification regarding how programs will be able to designate the funding. Mr. Smith confirmed that would fall onto the administration as to how can we help the courts manage that in terms of participants on who is eligible for what dollars and who is not. Ms. Straube satisfied with response. **There was no further discussion and the Chair asked for a roll call vote. The motion prevailed and the motion was approved.**

Yeas: 11

**Chair Ronayne Krause
Judge Voet
Judge Dobrich
Judge Holmes
Mr. Konwiak
Prosecutor Lloyd
Sheriff Main**

**Ms. Nicholas
Judge Owdziej
Ms. Straube
Ms. Valenzuela**

Nays: 0

Abstain: 1

Mr. Smith

b. HB 5483, violent offender eligibility for mental health court (see attached).

The Chair recognized this item was initially missed unintentionally. The Chair reported this bill has been referred to the Committee on Judiciary. Sheriff Main asked to open for discussion. The Chair opened for discussion. Sheriff Main asked for clarification who dictates the classifications of a violent offender that will not be admitted to the mental health courts. Judge Hoffman confirmed the prosecutor, and the judge has discretion if a violent offender is allowed into the mental health courts. Prosecutor Lloyd agreed with Judge Hoffman. Ms. Valenzuela added the importance to note that these three bills [HB5482, HB5483, and HB5484] give discretion to the courts, the prosecutor, and the judge, currently they do not have that discretion. Judge Hoffman agrees with Ms. Valenzuela. Sheriff Main is satisfied with the response. **The Chair called for a motion to support on HB5482, HB5483, and HB5484 to confirm, moved by Ms. Valenzuela, supported by Judge Voet. There was no further discussion and the Chair asked for a roll call vote. The motion prevailed and the motion was approved.**

Yeas: 11

**Judge Ronayne Krause
Judge Voet
Judge Dobrich**

**Sheriff Main
Ms. Nicholas
Judge Owdziej**

**Judge Holmes
Mr. Konwiak
Prosecutor Lloyd**

**Ms. Straube
Ms. Valenzuela**

Nays: 0

**Abstain: 1
Mr. Smith**

- c. HB 5484, felony conviction discretion (see attached).
The Chair reported this bill has been referred to the Committee on Judiciary. The Chair asked if any discussion before motion. No discussion. **The Chair moved for motion of support, moved by Judge Voet, supported by Judge Dobrich. There was no further discussion and the Chair asked for a roll call vote. The motion prevailed and the motion was approved.**

**Yeas: 11
Chair Ronayne Krause
Judge Voet
Judge Dobrich
Judge Holmes
Mr. Konwiak
Prosecutor Lloyd
Sheriff Main**

**Ms. Nicholas
Judge Owdziej
Ms. Straube
Ms. Valenzuela**

Nays: 0

**Abstain: 1
Mr. Smith**

- d. HB 5340, added a family treatment court representative to the SDTCAC (see attached).
The Chair reported this has not been previously discussed and has been referred to the Committee on Judiciary. The Chair passed on this item for more research before discussion.
- e. HB 5512, medical marihuana (see attached).
The Chair reported this bill has been referred to the Committee on Regulatory Reform. The Chair opened for discussion. Judge Voet called on Judge Hoffman to speak on the legislation. Judge Hoffman provided an update noting this bill came from the MATCP and that it will be amending the constitutional provision that was passed by initiative petition a couple of years ago. Section seven (7) of that law provides that all other acts or parts of acts consistent with that act do not apply to the medical use of marihuana. The drug treatment courts are seeking to allow individuals to use medical marihuana in drug treatment courts. MATCP took on the issue through our legislation committee, we have a one (1) sentence amendment to section seven (7) which lists the drug treatment courts statute provide they are an exception to the act. This bill has bi-partisan sponsors including support from key members of the House and has good support in the Senate. The key sponsor asked for this bill to go to the Committee on Judiciary; however, since all the other medical marihuana legislation was sent to the Committee on Regulatory Reform it proceeded as such for consistency. The Chair reported that she will abstain from this vote because this could come before her in court. **The Chair asked for a motion, moved by Ms. Valenzuela, supported by Judge Voet. There was no further discussion and the Chair asked for a roll call vote. The motion prevailed and the motion was approved.**

**Yeas: 9
Judge Voet
Judge Dobrich
Judge Holmes
Mr. Konwiak
Prosecutor Lloyd**

**Ms. Nicholas
Judge Owdziej
Ms. Straube
Ms. Valenzuela**

Nays: 0

**Abstain: 3
Chair Ronayne Krause
Sheriff Main
Mr. Smith**

- f. Request #03051'21, which is the 2-bill package on the ignition interlock program for mental health and veterans' courts.
The Chair reported this item has not been introduced yet and therefore no bill number has been assigned. Judge Hoffman updated this item has been introduced by Senator Johnson as SB 810 (see attached) and confirmed it is the same language as the request draft. Judge Hoffman provided an update noting this bill would allow to include the mental health courts to be included in the ignition interlock program. Judge Hoffman noted it was discussed with strategic partners this bill will start in the Senate due to Senator Johnson's extensive work on this project dating back to when Senator Johnson was Secretary of State Johnson, as well as Senator Barrett co-sponsoring this bill as he represents veterans. Mr. Smith confirmed working with Judge Hoffman and MATCP to get language drafted and expressed the mental health court advisory committee is excited to see this legislation move forward. **The Chair moved for motion, Judge Voet moved, supported by Judge Holmes. There was no further discussion and the Chair asked for a roll call vote. The motion prevailed and the motion was approved.**

Yeas: 12

**Judge Ronayne Krause
Judge Voet
Judge Dobrich
Judge Holmes
Mr. Konwiak
Prosecutor Lloyd**

**Sheriff Main
Ms. Nicholas
Judge Owdziej
Mr. Smith
Ms. Straube
Ms. Valenzuela**

Nays: 0

Abstain: 0

The Chair asked the clerk to draft a letter of support for bills discussed and voted on. Judge Hoffman asked to clarify if the Chair would submit cards of support for bills discussed. The Chair confirmed a letter of support will be sent to leadership and the respective legislative committee chairs. Judge Hoffman satisfied with response.

VIII. Subcommittee Updates

- a. Affordable Health Care Act Impact Subcommittee:
Ms. Nicholas was present but no update to report.
- b. Defense Attorney Participation Subcommittee:
Mr. Risk was not present at today's meeting. There was no update to report.
- c. Family Dependency Court Subcommittee:
The Chair reported she will be calling on Judge Dobrich's successor once named to chair this subcommittee.
- d. Juvenile Issues Subcommittee:
Judge Owdziej was present but no update to report.
- e. Legislative Subcommittee:
Ms. Cannon was not present at today's meeting, so no update was reported. The Chair called on Judge Hoffman. Judge Hoffman has nothing additional to report.
- f. Program Standardization and Alternative Funding Subcommittee:
Ms. Valenzuela was present but had no update to report.
- g. Veterans' Treatment Court Subcommittee:
Judge Voet was present but had no update to report.
- h. Vision Subcommittee:
Prosecutor Lloyd was present but no update to report.

IX. Mental Health Services for Incarcerated Individuals Ad Hoc Committee Update

The Chair called on Ms. Nicholas reporting at the July 13, 2021 meeting the issue regarding the suspension of Medicaid for mental health services when a person is detained or arrested was discussed and the Ad Hoc Committee

was formed. Ms. Nicholas was to draft a letter that would be considered by other members of this committee. Ms. Nicholas confirmed it was requested to confirm who to advocate to. Ms. Nicholas noted from the study in the meeting packet highlighting the reinstatement once a person is released from incarceration it is important to note that if allowed to continue medication while incarcerated an individual has access to a lot more than what is potentially offered in the jail setting. There are medications that Medicaid covers that formularies in the jail are not able to cover. If an incarcerated individual has insurance, they can remain on medications. If an incarcerated individual's medication changes it can cause a major issue. Ms. Nicholas recommends the advocacy has to be done on the state and the federal level noting the federal level has the ability to change this and make this allowable while the state can request this as well under the 1115 waiver. Ms. Nicholas noted there is a bill that has the appropriate language at the federal level that includes continuation of Medicaid while incarcerated. Ms. Nicholas noted it would be beneficial to advocate at the state and federal level noting the letter could be two different letters. Ms. Nicholas asked of the committee who should we focus on at the federal level and who should we focus on at the state level. Ms. Nicholas expressed more discussion needed. Sheriff Main agreed this matter is an issue. Judge Hoffman inquired to Sheriff Main if MSA would like to join the next MATCP meeting to discuss this issue. Judge Hoffman noted MATCP has a desire to work on this topic. Judge Hoffman will send MATCP meeting information to Sheriff Main. The Chair asked Ms. Nicholas if she would like to draft the letter or would prefer her successor to draft the letter. Ms. Nicholas believes the letter would be more effective if it was sent from a substance director. Ms. Nicholas offered to reach out to potential candidates for thought of interest. The Chair suggested the letter could be signed by more than one person on the committee. Ms. Nicholas agreed to continue here efforts on item and will share feedback at the next meeting.

X. Funding Update

The Chair called on Mr. Smith for an update. Mr. Smith was present but had no update to report.

XI. Committee Member Comment

The Chair asked if there were any additional comments from the Committee members. There were none.

XII. Public Comment:

The Chair asked if there were any comments from the public. There were none.

XIII. Next Meeting Date: Tuesday, April 12, 2022 at 10:00am

The Chair announced the next meeting date for Tuesday, April 12, 2022 at 10:00am. The Chair noted she was unable to attend the July 12, 2022 and October 11, 2022 meeting dates due to court related responsibilities. The Chair proposed new dates of July 19, 2022 and October 4, 2022. There were no conflicts reported from members for the proposed new dates.

XIV. Adjournment

There being no further business before the Committee, **moved by Judge Voet, supported by Prosecutor Lloyd, to adjourn the meeting. There was no objection, and the motion was unanimously approved. The meeting was adjourned at 11:25 a.m.**