

proposed minutes

State Drug Treatment Court Advisory Committee (SDTCAC) Meeting

10:00 a.m. • Tuesday, March 19, 2024

Legislative Conference Room • 3rd Floor Boji Tower Building

124 W. Allegan Street • Lansing, MI

Members Present:

Judge Raymond Voet
Ms. Heidi Cannon
Judge Maureen McGinnis
Judge Shannon Holmes
Ms. Sheila Day
Prosecutor Douglas Lloyd
Sheriff Michael Main
Dr. Jeanne Kapenga
Ms. Erin Schroeder
Mr. Andrew Smith
Ms. Ines Straube
Mr. David Wallace

Members Absent and Excused:

Ms. Kimberly Montgomery
Judge Joshua Farrell
Judge Mark Latchana
Ms. Stacy Salon
Ms. Sagelei Barnard

Judge Voet serving as Vice Chair presiding.

Ms. Barnard joined virtually and was not counted present as part of quorum and for voting purposes.

I. Call to Order

The Vice Chair called the meeting to order at 10:00 a.m.

II. Roll Call

The Vice Chair asked the clerk to take the roll.

III. Welcome New Members

The Vice Chair welcomed new members of the Committee and asked all Committee members to give a brief introduction.

- **Kim Montgomery**
- **Judge Maureen McGinnis**
- **Sheila Day**
- **Dr. Jeanne Kapenga**
- **Erin Schroeder**
- **Sagelei Barnard**
- **David Wallace**

IV. Election of Committee Chairperson

The Vice Chair nominated Ms. Heidi Cannon to serve as the Committee Chair. **Judge Voet moved, supported by Sheriff Main, to approve Ms. Cannon as the State Drug Treatment Court Advisory Committee Chairperson. There was no further discussion and the Vice Chair asked for a roll call vote. The motion prevailed.**

Yeas: 12
Judge Voet
Ms. Cannon
Judge McGinnis
Judge Holmes

Nays: 0

Absent Members Excused: 5
Ms. Montgomery
Judge Farrell
Judge Latchana
Ms. Salon

Ms. Day
Prosecutor Lloyd
Sheriff Main
Dr. Kapenga
Ms. Schroeder
Mr. Smith
Ms. Straube
Mr. Wallace

Ms. Barnard

The Vice Chair and members of the Committee congratulated Ms. Cannon.

Ms. Cannon presiding as Chair.

V. Certificates of Appreciation to Former Members

The Chair announced that Certificates of Appreciation have been prepared for Judge Owdziej, Mr. Mark Risk, Mr. Kyle Sofia, and Ms. Alma Valenzuela in recognition of their service to the Committee.

The Chair noted the certificates will be signed by Jennifer Dettloff on behalf of the Legislative Council and Ms. Cannon as the Chair on behalf of the Committee. The Chair asked the clerk to transmit the certificates.

VI. New Member Appointment Recommendations

The Chair asked Committee members to give thought for recommendations for leadership's consideration for an appointment fulfilling the position formerly held by Judge Owdziej. The Chair noted the requirement for this position is a judge of the family division of the circuit court who has presided at least 2 years over a juvenile drug court program. The Chair noted this appointment is a 4-year term.

The Chair also asked Committee members to give thought for a recommendation for leadership's consideration for an appointment fulfilling the new position enacted on March 12, 2024, in Public Act 15. The Chair noted the new position to be fulfilled by a circuit court judge who has presided over a family treatment court.

The Chair directed Committee members to submit appointment recommendations to the clerk.

VII. Member Re-appointment Recommendations

The Chair opened discussion surrounding recommendations to leadership for re-appointment of current Committee members whose terms will expire this year.

The Chair called upon Prosecutor Lloyd whose term will expire on September 18, 2024. Prosecutor Lloyd expressed interest in serving an additional 4-year term.

The Chair called upon Sheriff Main whose term will expire on July 17, 2024. Sheriff Main expressed interest in serving an additional 4-year term.

The Chair called upon Ms. Salon whose term will expire on September 3, 2024. Ms. Salon was not in attendance. The Chair asked the clerk to communicate with Ms. Salon for interest in serving an additional 4-year term.

The Chair called upon Ms. Straube whose term will expire on September 3, 2024. Ms. Salon expressed interest in serving an additional 4-year term.

The Chair asked the clerk to draft a letter from the Committee for recommendations to leadership for consideration of Committee member re-appointments.

VIII. Approval of Proposed July 19, 2022, Meeting Minutes

The Chair directed attention to the proposed minutes of the July 19, 2022, meeting and asked if there were any changes. There were none. **Sheriff Main moved, supported by Prosecutor Lloyd, to approve the minutes of the July 19, 2022, 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 July 19, 2022 meeting minutes were adopted.**

Yeas: 12

Judge Voet

Ms. Cannon

Judge McGinnis

Judge Holmes

Ms. Day

Prosecutor Lloyd

Sheriff Main

Dr. Kapenga

Ms. Schroeder

Mr. Smith

Ms. Straube

Mr. Wallace

Nays: 0

Absent Members Excused: 5

Ms. Montgomery

Judge Farrell

Judge Latchana

Ms. Salon

Ms. Barnard

IX. Review of Subcommittee Assignments

The Chair opened discussion on revising subcommittee assignments. The Chair noted subcommittee Chairs will be called upon at each Committee meeting to provide updates.

a. Affordable Health Care Act Impact Subcommittee

The Chair directed attention to the subcommittee roster. Dr. Kapenga expressed interest in serving as the subcommittee Chair. Ms. Day expressed interest in serving as a subcommittee member.

b. Defense Attorney Participation Subcommittee

The Chair directed attention to the subcommittee roster. Ms. Schroeder expressed interest in serving as the subcommittee Chair. Judge McGinnis expressed interest in serving as a subcommittee member.

c. Family Dependency Court Subcommittee

The Chair directed attention to the subcommittee roster. Discussion resulted in leaving the subcommittee Chair role vacant and will revisit when other Committee vacancies are appointed. Mr. Smith expressed interest in serving as a subcommittee member.

d. Juvenile Issues Subcommittee

The Chair directed attention to the subcommittee roster. Discussion resulted in leaving the subcommittee Chair role vacant and will revisit when other Committee vacancies are appointed. Ms. Barnard and Sheriff Main expressed interest in serving as subcommittee members.

e. Legislative Subcommittee

The Chair directed attention to the subcommittee roster. Ms. Cannon expressed interest in continuing to serve as Chair of the subcommittee. Mr. Wallace expressed interest in serving as a subcommittee member.

f. Program Standardization and Alternative Funding Subcommittee

The Chair directed attention to the subcommittee roster. Judge McGinnis expressed interest in serving as Chair of the subcommittee. Mr. Smith, Mr. Wallace, and Ms. Day expressed interest in serving as subcommittee members.

g. Veterans' Treatment Court Subcommittee

The Chair directed attention to the subcommittee roster. Judge Voet expressed interest in continuing to serve as Chair of the subcommittee. Judge Holmes expressed interest in serving as a subcommittee member.

h. Vision Subcommittee

The Chair directed attention to the subcommittee roster. Prosecutor Lloyd expressed interest in continuing to serve as Chair of the subcommittee. Mr. Smith, Ms. Straube, and Judge Holmes expressed interest in serving as subcommittee members.

X. Review of Mental Health Services for Incarcerated Individuals Ad Hoc Committee Assignments.

The Chair directed attention to the Ad Hoc committee roster. Dr. Kapenga expressed interest in serving as Chair of the Ad Hoc committee. Ms. Schroeder and Ms. Straube expressed interest in serving as Ad Hoc members.

Dr. Kapenga expressed a need for tribal representation. Sheriff Main noted communication in his area with tribal communities. The Chair noted subcommittee Chairs and the Ad Hoc Chair must be a current member of the Committee and would encourage tribal representation serving as a subcommittee member.

Dr. Kapenga inquired on renaming subcommittees. The Chair expressed interest in entertaining renaming subcommittees during next meeting. Judge Voet noted to check with proper procedures involving renaming subcommittees to confirm the Committee has the authority.

XI. Funding Update

The Chair called on Mr. Smith for an update. Mr. Smith updated the grant application process will begin on April 1. Mr. Smith noted in looking at the levels of funding it appears it will be similar to what was funded to courts last year. Mr. Smith reported there are issues with some courts underspending their funds and note this year will begin a new reallocation process. Mr. Smith updated funds will be pulled back from courts where there is underspending unless acceptable reason for the underspending is provided, taking note there are some things that will be taken into consideration. Mr. Smith noted next year anticipate OHSP funding will be expanded for existing courts rather than just new courts.

Ms. Day inquired if funds will be available to courts for recovery coaches. Mr. Smith noted there has been growth in those criteria and it is an allowable expense.

The Chair expressed appreciation for Mr. Smith's update on the reallocation process.

Ms. Straube inquired what other funds can be used to offset the difference in lodging as currently is set at a \$85 per night rate for conference lodging. Mr. Smith noted limiting to the state rate of \$85 per night and confirmed can use general funds to offset costs but unsure of other grant dollars as some grants are limited. Mr. Smith noted the lodging rate has been set forth by DTMB.

Judge McGinnis inquired on the timing of reallocation with the application deadline. Mr. Smith encourages to put anticipated needs in the grant application also noting looking at reallocation requests in April. Mr. Smith noted the turnaround time for reallocation is believed to be in May.

XII. Approval of SDTCAC 2022-2023 Annual Report

The Chair directed attention to the proposed 2022-2023 Annual Report and asked if there were any changes. There were none. **Dr. Kapenga moved, supported by Ms. Straube to approve the 2022-2023 State Drug Treatment Court Advisory Committee Annual Report. There was no further discussion and the Chair asked for a roll call vote. The motion prevailed.**

Yeas: 12

Judge Voet

Ms. Cannon

Judge McGinnis

Judge Holmes

Ms. Day

Prosecutor Lloyd

Sheriff Main

Dr. Kapenga

Ms. Schroeder

Mr. Smith

Ms. Straube

Mr. Wallace

Nays: 0

Absent Members Excused: 5

Ms. Montgomery

Judge Farrell

Judge Latchana

Ms. Salon

Ms. Barnard

The Chair noted the 2022-2023 State Drug Treatment Court Advisory Committee Annual Report will be distributed to the members of the Michigan Legislature and the Michigan Supreme Court as required by statute.

XIII. Committee Meeting Dates

The Chair noted Committee meetings have been held quarterly and on a Tuesday morning. The Chair opened for discussion on future Committee meeting dates noting in the interest of ensuring the Committee has quorum for each meeting. Following discussion, the Committee agreed upon a 10:00 a.m. meeting time for July 9, 2024, October 8, 2024, January 7, 2025, and April 8, 2025.

XIV. Committee Member Comment

The Chair asked if there were any additional comments from the Committee members.

Dr. Kapenga expressed concern as an MOUD provider that there is a significant change in Medicaid reimbursement for those who receive services with the redetermination process. During COVID, they did not have the annual eligibility rule because they did not want to dismiss anyone. They started the redetermination process for eligibility last year. There are 3 million cases noting people losing their Medicaid coverage. Dr. Kapenga noted that the process is not user-friendly. Secondly, as of January 1st, MDHHS has carved out services for medical health plans noting essentially reimbursements for providers are being delayed because they are in one agency and having to enroll in another agency for payment.

Mr. Wallace noted the Department of Justice is suing some states and some courts for rejecting participants on MOUD under the Americans with Disabilities Act. Mr. Wallace expressed a need to keep a closer eye on this issue.

Sheriff Main expressed similar on-going issues in treatment for inmates.

Ms. Schroeder expressed concern with the delay of mental health treatment in county jails as well as individuals waiting months for an evaluation.

XV. Public Comment:

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

XVI. Next Meeting Date: Tuesday, July 9, 2024, at 10:00 a.m.

The Chair announced the next meeting is Tuesday, July 9, 2024, at 10:00 a.m. in the Legislative Council Administrator's conference room.

XVII. Adjournment

The Chair asked if there was any further business to discuss. Hearing none, the Chair asked for a motion to adjourn. **Sheriff Main moved, supported by Dr. Kapenga. With unanimous support, the meeting was adjourned at 10:59 a.m.**

Proposed