

final minutes

State Drug Treatment Court Advisory Committee Meeting

9:30 a.m. • Tuesday, September 24, 2013

Legislative Council Conference Room • 3rd Floor Boji Tower

124 W. Allegan • Lansing, MI

Members Present:

Judge Amy Ronayne Krause, Chair
Judge William Ervin, Vice Chair (via teleconference)
Robert Nida
Dr. Jessica Parks
Mark Risk
Stacy Salon
Mark Witte

Members Excused:

Stephanie Drury
Judge Michael Haley
Janette Kolodge
Andrew Konwiak
Christopher Luty
Judge Brian MacKenzie

I. Call to Order

The Chair called the meeting to order at 9:45 a.m.

II. Roll Call

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

III. Minutes of the July 23, 2013 Meeting

The Chair directed attention to the proposed minutes of the July 23, 2013 meeting and asked if there were any changes. There were none. **Mr. Witte moved, supported by Mr. Risk, to approve the minutes of the July 23, 2013 SDTCAC meeting as presented. There was no objection. The motion was unanimously approved.**

IV. Subcommittee Updates

Cross Assignment Subcommittee: Judge Haley was absent so no report was given.

Defense Attorney Participation Subcommittee: Mr. Risk had no update to report.

Funding Alternative Subcommittee: Judge Hoffman had no update to report.

Juvenile Issues Subcommittee: Mr. Nida provided an update on the September train-the-trainer session that focused on the interplay between juvenile drug courts and mental health. He noted comments regarding the event were very positive and about 16 teams participated.

Legislative Subcommittee: Judge Hoffman reported that the bill that will extend the sunset provision of the DWI Court ignition lock program from 3 to 5 years is currently pending in the House and he does not anticipate any opposition to the measure.

He reported that the mental health court bills were reported out of House Judiciary and some floor amendments were approved to address some concerns expressed by domestic violence organizations. He noted the change to House Bill 4694 makes admission into a mental health court program more restrictive by requiring participants have a "serious emotional disturbance" or a "serious mental illness." He commented that these two conditions are defined in MCL 330.111100(b) and would severely restrict the ability to participate in a mental health court program. Judge Hoffman proposed that the committee issue a generic type of advisory opinion supporting the language that included a broader admission standard. He presented a draft for the Committee to consider. The discussion continued. Judge Krause and Judge Bowler proposed specific language to address the concerns of the domestic violence groups. Dr. Parks shared that the terms—mental disorder, co-occurring disorder, and developmental disability—are already defined in statute and suggested that, if these terms need to be more inclusive, then more inclusive language to the definitions need to be proposed. Mr. Witte offered that the phrase "regardless of severity" might be added to make the definition of the conditions that determine who can be admitted into mental health courts less restrictive.

Judge Ervin then raised the question of whether mental health courts are in the Committee's charge. During the discussion of this, several committee members commented they felt that even though the Committee is not statutorily

charge as the mental health court advisory group, it does not hurt to weigh in on some of the issues mental health courts face.

Dr. Parks added that to her knowledge the domestic violence groups are neutral on the bills.

The advisory opinion presented by Judge Hoffman and amended by language offered by Judge Krause, Judge Bowler and Mr. Witte is as follows:

ADVISORY OPINION
State Drug Treatment Court Advisory Committee

Being duly constituted within the Legislative Council pursuant to MCLA 300.1082, and in discharge of its statutory function, the State Drug Treatment Court Advisory Committee does hereby advise the Legislature as follows:

Whereas, legislation is currently pending in the Michigan Senate relating to the authorization and establishment of a system of Mental Health Courts, and

Whereas, House Bill 4694 as passed by the House restricts admission into Mental Health Courts to individuals found to have a serious mental disturbance or serious mental illness,

It is the opinion of the State Drug Treatment Court Advisory Committee that such a restriction, while well intended, is inappropriate.

Throughout the existence of Michigan's various problem solving courts, the only restriction placed upon admission into said programs is to bar the most violent offenders.

One of the major factors leading to the success of the various problem solving courts is that the local team determines who should be allowed into the local program taking into account local needs, local resources, victim's concerns, and the needs of the potential program participant. It is certainly the belief of this Committee that any individuals who are convicted of domestic violence with an intimate partner, and who are diagnosed with a co-occurring mental health disorder, would be enrolled in a batterer's intervention program as well as mental health counseling.

The proposed restriction for entry into the Mental Health Courts is clearly contrary to this well established problem solving court precedent.

It is understood that persons seeking funding through the Department of Community Health will need to be found to be severely and persistently mentally ill, as required by that department's regulations. This is a very high standard, and the problem solving courts in this state frequently find individuals who have significant mental illness, who are barred from funding under this regulation.

However, many people who are moderately mentally ill have significant issues and can be greatly helped by being allowed to participate in these programs. Those who are not dependent on funding through the Department of Community Health (through self-pay, family support, insurance, or funding through the Affordable Care Act) should have the opportunity to petition the local Mental Health Court Team, for admission into the program.

By placing such an artificial and undue restriction of participation in our State's Mental Health Courts, significant numbers of mentally ill persons will go untreated and the potential number of participants in these programs will be restricted.

Now, therefore, be it resolved that the State Drug Treatment Court Advisory Committee does hereby recommend that the Legislature allow the local Mental Health Court Teams to consider for placement in their programs individuals who are diagnosed with having a mental disorder, co-occurring disorder, or a developmental disability, regardless of severity.

The Chair asked for a motion to approve the proposed and revised advisory opinion. **Mr. Witte moved, supported by Mr. Risk, that the Committee approve the proposed and revised advisory opinion and present the opinion to the Michigan Legislature. There was no objection and no further discussion. The motion was unanimously approved.**

Medical Marijuana: No report was given.

Recidivism Subcommittee: Dr. Parks had no news to report and noted the recidivism data will be updated in the spring.

Vision Subcommittee: Judge Bowler reported that he will be meeting with some of the MADCP past presidents during the MADCP retreat. One of the topics that may be discussed is revisiting the mission statement. The issue of the Committee's role with the different problem-solving courts and the idea of amending the charge of the State Drug Treatment Court Advisory Committee to a problem-solving court advisory committee were discussed further. It was suggested that the members of SCAO's Mental Health Court Advisory Committee be invited to the next meeting to continue the discussion and talk about any of their concerns.

V. Ad Hoc Committees

Veteran Treatment Courts

Judge MacKenzie was not present at today's meeting. No update was given.

Report of the Ad Hoc Committee on the Affordable Care Act Impact on Drug Courts

Mr. Witte reported that the legislature has approved the Medicaid expansion legislation with an effective date set for the 91st day after final adjournment of 2013 Regular Session (end of March/early April). He noted that this is a significant win for individuals served by drug courts to have access to the health care resources to allow them to obtain treatment. The treatment services that will be included in the Affordable Care Act provisions under Medicaid expansion are unknown. The Department of Community Health is in the process of building that array of services. Funding for the agencies is being worked on as well. Mr. Witte shared that he feels the interests of drug courts are being well-served at this point. Mr. Witte then provided information that deals with the exchange population—the people who will receive federal support to purchase insurance if their income is between 133-400% of poverty. He noted that the issues related to drug court coverage deals with the benefits that are in the plan and available on the exchange. A person who has a chronic substance abuse disorder is eligible for Medicaid. He commented that this is a very large change and allows for the population that community mental health agencies serve to be on the same level as persons with chronic substance abuse disorders. The restrictions on who can provide treatment services were then discussed. Mr. Witte will put together a general information statement for the members.

VI. Funding Update

Dr. Parks distributed information on the FY 2014 grant awards to drug courts and veteran treatment courts. (The information is attached at the end of these minutes.) She noted that Michigan drug grant funding has doubled and no courts have been denied funding.

VII. Public Comment

The Chair asked for public comment. There was none.

VIII. Next Meeting Date

The Chair announced the next meeting is scheduled for **Tuesday, November 26, 2013**. Judge Ervin will chair the meeting.

IX. Adjournment

The Chair adjourned the meeting at 11:10 a.m.

(Approved at the October 22, 2013 SDTCAC Meeting.)

Drug Court and Veterans Treatment Court FY 14 Grant Awards

Michigan Drug Court Grant Program (MDCGP)

- \$4,241,890 awarded to 70 courts
- \$9,123,005.42 in requests from 83 courts

Office of Highway Safety Planning (OHSP)

- \$850,000 awarded to 13 courts
- \$1,811,543.15 in requests from 15 courts

Edward Byrne Memorial Justice Assistance Grant (Byrne JAG)

- \$1,500,000 awarded to 14 courts
- \$3,159,855.92 in requests from 19 courts

Urban Drug Court Initiative (UDCI)

- \$1,203,079 awarded to 4 courts
- \$1,248,304 in requests from the 4 courts

Regional DWI Courts (RDWI)

- \$999,088.27 awarded to 4 regions encompassing 16-18 counties
- \$999,088.27 in requests from the 4 regions

Michigan Veterans Treatment Court Grant Program (MVTCGP)

- \$694,346.15 awarded to 11 courts
- \$847,783.14 in requests from 12 courts