

# final minutes

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## State Drug Treatment Court Advisory Committee Meeting

10:00 a.m. • Tuesday, April 22, 2014

Legislative Council Conference Room • 3<sup>rd</sup> Floor Boji Tower

124 W. Allegan • Lansing, MI

### Members Present:

Judge Amy Ronayne Krause, Chair  
Judge William Ervin, Vice Chair  
Janette Kolodge (via teleconference)  
Andrew Konwiak  
Douglas Lloyd  
Judge Brian MacKenzie  
Judge Frederick Mulhauser  
Dr. Jessica Parks  
Mark Risk (via teleconference)  
Judge Raymond Voet  
Mark Witte

### Members Excused:

Stephanie Drury  
Judge Michael Haley  
Judge Harvey Hoffman  
Robert Nida  
Stacy Salon

### I. Call to Order

The Chair 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. Minutes of the January 28, 2014 Meeting

The Chair directed attention to the proposed minutes of the January 28, 2014 meeting and asked if there were any changes. There were none. **Mr. Witte moved, supported by Judge Voet, to approve the minutes of the January 28, 2014 SDTCAC meeting as presented. There was no objection. The motion was unanimously approved.**

### IV. Committee Vacancy

The Chair opened a conversation regarding the vacant law enforcement representative position. She noted that Prosecutor Lloyd had recommended Sheriff Thomas Reich of Eaton County and that his resume is included in the meeting packet. Judge Ervin shared that the sheriff of his county is not available for the appointment. **Prosecutor Lloyd moved, supported by Judge Voet, to recommend the appointment of Sheriff Thomas Reich as the law enforcement representative on the Committee. There was no objection. The motion was unanimously approved.** The Chair explained that a recommendation letter will be prepared and sent to the Senate Majority Leader and the Speaker of the House.

### V. Subcommittee Updates

The Chair noted that a subcommittee roster is included in today's meeting packet. She shared that, before reports from the subcommittees are given, she would like the Committee to determine if each subcommittee is still needed and, if so, if there should be any changes in membership.

Cross Assignment Subcommittee: Judge Haley was not in attendance at today's meeting so the Chair asked Dr. Parks for input on whether there is still a need for the subcommittee. Dr. Parks noted that this subcommittee completed work that morphed into the drug court transfer recommendation. Because this action seems to have resolved the transfer issue, she recommended the dissolution of the subcommittee. **Judge Ervin moved, supported by Prosecutor Lloyd, to dissolve the Cross Assignment Subcommittee. There was no objection. The motion was unanimously approved.**

Defense Attorney Participation Subcommittee: The discussion began with a review of the current subcommittee membership and the subcommittee's role and function. The Chair suggested Mr. Risk and Judge MacKenzie continue to serve on the subcommittee. Prosecutor Lloyd noted that to his knowledge Thomas Dutcher has retired and may not be as active in drug courts. The chair of the subcommittee, Mr. Risk, noted that he is not familiar with all of the current subcommittee members and sought direction as to the subcommittee's function and purpose. Mr. Witte suggested that, in addition to reviewing the merits and membership of each of the subcommittee, it might be useful to undertake a process of refreshing a charge for each subcommittee as well. The Chair agreed. She then expressed her support that the Defense Attorney Participation subcommittee should continue. Judge Voet suggested the committee make an inquiry to CDAM for possible new subcommittee members. The Chair recalled that she had

suggested a couple of individuals who are CDAM members and stated that she will follow-up and work on finding some new defense attorney members. She also asked committee members to send any suggestions to Susan Cavanagh. Judge Bowler offered background on some of the current subcommittee members. He noted that Mike Hills is a defense attorney out of Kalamazoo and Derwood Haines was a member of the Michigan Association of Drug Court Professionals. Both were very active with the SDTCAC. The Chair will check with Mr. Hills and Mr. Haines to see if they are still active and wish to continue on the subcommittee. Judge Bowler will also check with the MADCP to see if they want representation on the subcommittee.

Funding Alternative Subcommittee: Judge Hoffman was not in attendance at today's meeting. The Chair asked that the assessment of this subcommittee be held over to the next meeting.

Juvenile Issues Subcommittee: Mr. Nida was not in attendance at today's meeting. The Chair asked that the assessment of this subcommittee be held over to the next meeting. Dr. Parks informed the members that Jennifer Warner is no longer the juvenile management analyst at SCAO and that the Committee may wish to consider appointing the new analyst, Jodi Latuszek, to the subcommittee. She also suggested that Jim Inloes may wish to be removed from the subcommittee as he is now a Circuit Court analyst. Judge Ervin recommended Judge Mulhauser be added to the subcommittee. Judge Mulhauser accepted the appointment. Mr. Risk also expressed his interest in serving on the subcommittee as well.

Legislative Subcommittee: Judge Hoffman was not in attendance at today's meeting. The Chair affirmed that she is the only other member of the subcommittee. Judge Voet disclosed that he is on the District Judges' legislative committee and agreed to be added to the SDTCAC legislative subcommittee.

Medical Marijuana: The Chair opened a discussion of whether this subcommittee is still needed. Judge Voet noted that the subcommittee's mission and scope were discussed at the last meeting. Judge MacKenzie commented that because there are still unresolved issues involving medical marijuana, he felt the subcommittee should continue in case the legislature seeks the committee's advice on this issue in the future. After further discussion, it was decided that the subcommittee will continue and the Chair appointed Judge Voet as Chair and added Judge MacKenzie, Mr. Witte, and Mr. Risk as members.

Recidivism Subcommittee: The Chair asked Dr. Parks if this committee is still needed. Dr. Parks responded that because the same recidivism protocol has been used for the last three or four years, she concluded that the subcommittee can be resolved at this time. Judge Voet pointed out that the subcommittee can be reformed in the future if it becomes needed. **Dr. Parks moved, supported by Judge Voet, to dissolve the Recidivism Subcommittee. There was no objection. The motion was unanimously approved.**

Vision Subcommittee: The Chair observed that Judge Bowler is the chair of the subcommittee and Judge Hoffman, Judge MacKenzie, and Dr. Parks currently serve as members. When the Chair asked if there were any other members that wished to be added, Prosecutor Lloyd volunteered and was added to the subcommittee.

Ad Hoc Committees:

Judge Voet was added to the Veterans' Treatment Court Ad Hoc Committee. A suggestion was made to change the status of the two ad hoc committees to subcommittee status instead. **Judge Voet moved, supported by Judge Ervin, to move the Veterans Treatment Court and the Affordable Health Care Act Impact Ad Hoc Committees to subcommittee status. There was no objection. The motion was unanimously approved.**

Updates from the following subcommittees were then given:

Juvenile Issues Subcommittee: Judge Ervin shared that he is aware that Mr. Nida is setting up another conference for juvenile drug courts in the fall. Dr. Parks reported news that an analyst has been conducting a one-day visit to the juvenile courts that have allowed access to interview team members, treatment providers, and participants. She explained that the purpose is to gather information and look at the data to create a database that can be used to compare the different juvenile court programs. The site visits should be finished within the next month or two. Judge Mulhauser shared that the National Center for Juvenile and Family Court Judges is undertaking a project to develop best-practices for juvenile drug courts. His court has been selected as one of the courts to participate in this project.

Veterans Treatment Court Subcommittee: Judge MacKenzie provided an update on the national veterans' treatment court conference that was held in Washington, D.C. He announced that another conference will be conducted at the end of May in Anaheim as part of the NADCP main conference and is designated as a separate tract of the national conference. He also encouraged members to contact him if they want more information or are interested in attending.

### Affordable Health Care Act Impact

Judge Mulhauser inquired about the status of House Bill 4486 that pertains to involuntary mental health treatment. Mr. Witte shared that it has passed the House Judiciary and he believes the bill is either awaiting action by the full House or it has passed the House and is awaiting Senate action. A brief discussion followed.

Mr. Witte presented the following report:

**Report of the Ad Hoc Committee  
on the Affordable Health Care Act Impact  
Mark Witte and Judge Hoffman**

### ACA Implementation

To the extent that drug or other specialty courts wish to leverage behavioral health insurance benefits to meet treatment needs, it is important to understand the resources available to a drug/specialty court participant.

1. Through Commercial (Private) Insurance
  - a. Purchased by covered person or provided by employer – ACA requires plans to include an array of “essential health benefits” that includes mental health and substance abuse treatment services.
  - b. Purchased by covered person through the public/federally subsidized “Exchange”
2. Medicaid
  - a. Traditional (“State Plan”)
    - i. Standard SUD services array
    - ii. Limited eligibility (disability, parents of children, children)
  - b. Healthy Michigan (“Expansion”)
    - i. Expanded benefits relative to traditional Medicaid
    - ii. Broader eligibility (income based – to 138% of Federal Poverty Level)

### System News

1. Integration of 16 CA’s into 10 regional PIHP’s
2. PA 500 of 2012 requires that SUD \$ must be spent on SUD
3. Oversight Policy Boards created – approve local SUD funds in PIHP budgets
4. HB 4891
  - a. 9.5% of LCC proceeds dedicated to local SUD services through the PIHP’s
  - b. Likely to have first hearings toward end of April/early May 2014

### Opportunities for Action

1. HB4891 comment opportunity
2. Express needs/gaps for treatment to local PIHP’s – will give list for distribution to Susan.
3. Help press on DCH for details – enabling information

### **VI. Funding Update**

Dr. Parks had no update to report.

### **VII. 2013 Annual Report Preparation**

The Chair announced that the 2013 Committee Annual Report is in the process of being prepared and she requests that each subcommittee chair submit a brief update of 2013 activities that can be included in the report. She would like the updates to be submitted to the committee clerk in early July so that a draft report can be prepared for the next meeting.

### **VIII. Public Comment**

The Chair asked for public comment. There was none.

### **IX. Next Meeting Date**

The Chair announced the next meeting will be held on **Tuesday, July 22, 2014**. After a discussion of the meeting schedule, the Chair announced that the Committee will conduct future meetings on a quarterly basis and the regular meeting time changed to 10:00 a.m.

### **X. Adjournment**

There was no further business. The Chair adjourned the meeting at 10:56 a.m.

*(Approved at the July 22, 2014 SDTCAC meeting.)*

## Proposed Healthy MI Plan Services

Everything that is currently available in the ABW will be provided in Healthy MI Plan.

### **Mental Health Services**

- **Crisis interventions**
- Assessments – including psychiatric and other health services (OT, PT and speech hearing and language)
- Treatment planning
- Inpatient hospital psychiatric care and partial hospitalization
- Outpatient care including psychotherapy or counseling (individual, family, group)
- Medication administration and review
- **Targeted case management**
- Assertive Community Treatment
- Behavior Treatment Review
- Clubhouse Psychosocial Rehabilitation
- **Crisis residential**
- **Intensive Crisis Stabilization**
- Intermediate care facility
- Personal care
- Transportation

### **Additional Supports and Services (B3's) that can be made available:**

- Assistive technology
- **Community living supports**
- Enhanced pharmacy
- Environmental modifications
- **Crisis observation care**
- Family support and training
- Housing assistance
- **Peer delivered or peer operated services (peer specialists and drop-in centers)**
- Prevention direct service models
- Respite care
- Skill building assistance
- **Support and service coordination**
- Supported/integrated employment services
- Fiscal intermediary

### **Substance Use Disorder Services**

- Initial assessment, diagnostic evaluation, referral and patient placement;
- Outpatient Treatment
- Intensive Outpatient Treatment
- Methadone treatment
- Residential treatment
- Sub-acute detoxification

In addition to these SUD services, we are proposing to offer the services listed under mental health and the additional supports and services (B3's) to the SUD population as well.

The items in **bold** in the mental health services section are the new services most likely to be used by the SUD population.

CMS is still reviewing the proposed benefits for the plan, they have been supportive of us adding the additional services but there is still a possibility that the final benefit could change based on the CMS approval.