

**NORTHERN MICHIGAN REGIONAL ENTITY  
BOARD OF DIRECTORS MEETING  
10:00AM – JUNE 24, 2020  
VIA TELECONFERENCE/MICROSOFT TEAMS**

<b>BOARD MEMBERS IN ATTENDANCE:</b>	<b>Roger Frye, Ed Ginop, Randy Kamps, Gary Klacking, Terry Larson, Christian Marcus, Mary Marois, Gary Nowak, Jay O'Farrell, Richard Schmidt, Karla Sherman, Don Smeltzer, Joe Stone, Don Tanner, Nina Zamora</b>
<b>CEOs IN ATTENDANCE:</b>	<b>Christine Gebhard, Chip Johnston, Karl Kovacs, Diane Pelts, Nena Sork</b>
<b>STAFF IN ATTENDANCE:</b>	<b>Eric Kurtz, Sara Sircely, Deanna Yockey, Carol Balousek</b>
<b>GUESTS IN ATTENDANCE:</b>	<b>Rep. Tristan Cole, Rep. Mary Whiteford, Pat McGinn, Sue Winter</b>

**CALL TO ORDER**

Let the record show that Chairman Gary Nowak called the meeting to order at 10:00AM.

**ROLL CALL**

Let the record show that all NMRE Board Members were in attendance for the meeting on this date.

**PLEDGE OF ALLEGIANCE**

Let the record show that the Pledge of Allegiance was recited as a group.

**ACKNOWLEDGEMENT OF CONFLICT OF INTEREST**

Let the record show that no conflicts of interest were expressed with any of the agenda items.

**APPROVAL OF PAST MINUTES**

Let the record show that the minutes of the May meeting of the NMRE Governing Board were included in the materials for the meeting on this date.

**MOTION MADE BY ROGER FRYE TO APPROVE THE MINUTES OF THE MAY 27, 2020 MEETING OF THE NORTHERN MICHIGAN REGIONAL ENTITY BOARD OF DIRECTORS CORRECTED AS INDICATED; SECOND BY MARY MAROIS. MOTION APPROVED BY CONSENSUS.**

**APPROVAL OF AGENDA**

Let the record show that discussion of House Bill 5832 and Regional Training needs were added to the Agenda for the meeting on this date.

**CORRESPONDENCE**

- 1) A letter from Eric Kurtz to the NMRE Provider Network dated May 29, 2020 discussing the premium pay increase.
- 2) A memorandum from Jeffery Wierich to PIHP and CMHSP Executive Directors dated June 10, 2020 regarding the New Mediation Law in the Mental Health Code (House Bill 5043).

- 3) A memorandum from Jeffery Wieferich to PIHP and CMHSP Executive Directors dated June 11, 2020 regarding Completion Timeline for the Encounter Quality Initiative (EQI) report.
- 4) Community Mental Health Association of Michigan's Recommendations for Advocacy and Promotion of a Vision for the Design of Michigan's Public Mental Health System dated June 12, 2020.
- 5) Press Release from Governor Witmer's office dated June 17, 2020 Praising the Supplemental Agreement Negotiated with Legislature to Support COVID-19 Response.

Sent separately on June 19, 2020:

- 6) House Bill 5832.

Mr. Kurtz expressed that the region is working to implement the premium pay increase to direct care staff as outlined in Correspondence item No.1. Mr. Kurtz drew attention to Correspondence item No. 2 from Jeff Wieferich regarding changes to the Mental Health Code to establish a mediation process. To date, MDHHS has not secured the services of a mediation organization to manage the requests due to the coronavirus pandemic shutdown. The goal is to have this in place beginning October 1<sup>st</sup>. Mr. Kamps expressed concern that there are hard and fast time schedules rules pertaining to complaints; he advised thorough documentation to protect the CMHSPs and pursuing State Fair Hearing Options. It was noted that the due date for the Encounter Quality Initiative (EQI) was pushed back to February 2021.

#### ANNOUNCEMENTS

Let the record show that Chairman Nowak announced the Representatives Tristan Cole and Mary Whiteford will join the call at their earliest convenience to discuss House Bill 5832.

#### PUBLIC COMMENT

Let the record show that no comments were voiced from the public during the meeting on this date.

#### REPORTS

##### **Executive Committee Report**

Let the record show that no meetings of the NMRE Executive Committee have occurred since the May Board Meeting.

##### **CEO's Report**

The NMRE CEO Monthly Report for June 2020 was included in the materials for the meeting on this date. Mr. Kurtz noted that the NMRE Network Adequacy report was updated to reflect capacity issues related to the coronavirus. The Department acknowledged some internal conflict within MDHHS where consideration was being given to not pass the COVID funds to PIHPs or CMHSPs in favor of paying Providers directly. Mr. Kurtz explained the current efforts being made for Michigan to become a Certified Community Behavioral Health Clinic (CCBHC) state; how the Opioid and Behavioral Health Home expansion can be weaved into the process is being discussed. It was noted that the payment process for the CCBHC is very complex.

##### **SUD Board Report**

Let the record show that the next meeting of the NMRE Substance Use Disorder Oversight Board is scheduled for July 6, 2020 at 10:00AM.

## **Financial Report**

The monthly financial report for April 2020 was included in the materials for the meeting on this date.

- Traditional Medicaid showed \$99,882,249 in revenue, and \$95,190,840 in expenses, resulting in a net surplus of \$4,691,410. Medicaid ISF was reported as \$1,460,876 based on the Interim FSR. Medicaid Savings was reported as \$0.
- Healthy Michigan Plan showed \$13,812,101 in revenue, and \$11,624,719 in expenses, resulting in a net surplus of \$2,187,381. HMP ISF was reported as \$3,573,592 based on the Interim FSR. HMP savings was reported as \$0.
- Net Position\* showed Medicaid and HMP ISF combined net surplus of \$5,034,468. The Total Medicaid and HMP Net surplus, including carry forward and ISF was reported as \$12,484,840.
- Behavioral Health Home showed \$75,455 in revenue, and \$62,242 in expenses, resulting in a net surplus of \$13,213.
- SUD showed all funding source revenue of \$10,425,092, and \$8,930,729 in expenses, resulting in a net surplus of \$1,494,363. Total PA2 funds were reported as \$6,265,046.
- \*HSW Receivable was reported at \$571,581.
- \*NMRE Medicaid and HMP combined Net Surplus after the adjustment was reported as \$7,450,372.

Mr. Kamps asked how long the HSW receivable can reasonably be kept on the books. Ms. Yockey agreed that it can't remain indefinitely, but she acknowledged that there is some lag time with spenddown.

## **MOTION MADE BY JOE STONE TO RECEIVE AND FILE THE NORTHERN MICHIGAN REGIONAL ENTITY MONTHLY FINANCIAL REPORT FOR APRIL 2020; SECOND BY JAY O'FARRELL.**

### **ROLL CALL VOTING TOOK PLACE ON THE MOTION.**

**“Yea” Votes Recorded:** Roger Frye, Ed Ginop, Randy Kamps, Gary Klacking, Terry Larson, Christian Marcus, Mary Marois, Gary Nowak, Jay O'Farrell, Richard Schmidt, Karla Sherman, Don Smeltzer, Joe Stone, Don Tanner, Nina Zamora

**“Nay” Votes Recorded:** Null

### **MOTION CARRIED BY UNANIMOUS VOTE.**

## NEW BUSINESS

### **Network Adequacy/Stability Plan**

Mr. Kurtz revised the “Northern Michigan Regional Entity Network Adequacy and Provider Stability Plan” on June 4<sup>th</sup> to address barriers to services related to COVID-19 and the shutdown order. Both CMHSP and SUD Providers have been asked to notify the NMRE regarding cash flow issues where additional help may be needed due to the pandemic. NMRE is also considering a rate adjustment for SUD providers. Premium Pay increases will be passed to direct care workers as determined by MDHHS. Regional Providers transitioned to the use of telehealth services very quickly upon the issuance of BHDDA guidance; consideration is being made to allow some use of telehealth for clinically appropriate SUD services (post withdrawal management and prior to residential services).

Monthly updates will be provided to MDHHS by the NMRE. Any significant changes will be brought through the Board. Mr. Kurtz added that rapid change is fertile ground for investigation, and he anticipates a post-pandemic audit within three years.

### **Board Survey**

Mr. Kurtz and Mr. Nowak met on June 16, 2020 to discuss Board operations and Board Meeting Agenda. Mr. Nowak explained that he would like to gather input from the Board. A survey will be sent to Board Members from the NMRE to solicit input. Suggested questions may be sent to the NMRE for inclusion. Mr. Nowak suggested adding an Operations Committee report as a standing item to future Agenda.

### **Steve Burnham Contract**

A Provider Agreement for Steve Burnham, Esq. was included in the materials for the meeting on this date. Mr. Kamps viewed the contractual agreement as “money well spent.”

**MOTION MADE BY ROGER FRYE TO APPROVE THE CONTRACT BETWEEN THE NORTHERN MICHIGAN REGIONAL ENTITY AND STEVE BURNHAM FOR THE PROVISION OF NEEDED LEGAL SERVICES NOT TO EXCEED TWENTY THOUSAND DOLLARS (\$20,000.00), SECOND BY RANDY KAMPS.**

**ROLL CALL VOTING TOOK PLACE ON THE MOTION.**

**“Yea” Votes Recorded:** Roger Frye, Ed Ginop, Randy Kamps, Gary Klacking, Terry Larson, Christian Marcus, Mary Marois, Gary Nowak, Jay O’Farrell, Richard Schmidt, Karla Sherman, Don Smeltzer, Joe Stone, Don Tanner, Nina Zamora

**“Nay” Votes Recorded:** Null

**MOTION CARRIED BY UNANIMOUS VOTE.**

### **House Bill 5832**

Representative Tristan Cole (District 105) and Representative Mary Whiteford (District 80) joined the meeting to discuss House Bill 5832. House Bill 5832 states that “Each community mental health services program shall establish 1 or more preadmission screening units with 24-hour availability to provide assessment and screening services for individuals being considered for admission into hospitals, assisted outpatient treatment programs, or crisis services on a voluntary basis.”

On June 17<sup>th</sup>, HB 5832 was referred to the Committee on Ways and Means. Mr. Marcus asked what options exist currently for making additional adjustments. The CMHAM has objected to: 1) allowing a general or psychiatric hospital to operate a Crisis Stabilization Unit, and 2) requiring a minimum amount of face-to-face psychiatry as required by the inpatient hospitals. Clarification is needed that a PIHP/CMHSP cannot be required to pay for the CSUs once they are created; a service authorization and contract is needed. Alan Bolter proposed:

- Replace page 18 Section 971 (3) with the following: **(3) A psychiatric hospital or general hospital may establish and operate a crisis stabilization unit under this chapter as long the unit is not physically located in the psychiatric hospital or general hospital.**
- Amend page 19, line 3 and INSERT (4) **CMHSPs are not financially responsible for crisis services nor any other services that are generated by the crisis stabilization unit unless they have authorized those services in advance.**

- Amend page 19, lines 25-29 and STRIKING Section 972 (j) and REPLACING with Section 972 (j) **Standards requiring a minimum amount of psychiatric supervision of an individual receiving services in the crisis stabilization unit consistent with current**
- **national standards promulgated by the applicable federal administrative agency.**

Ms. Gebhard expressed support for the Amendments to the Bill.

Mr. Kovacs thanked the Representatives for their time. He asked whether it is the expectation that CSU will be regional or if each CMHSP required to set up a unit. Rep. Whiteford responded that she has no intention of legislating where each unit is located. Mr. Johnston requested a rural exemption.

Ms. Pelts inquired about the use of telepsych. Rep. Whiteford responded that telepsych utilizing video is supported under HB 5832; audio only is not.

Mr. Kurtz Eric thanked Representatives Cole and Whiteford for their support of the Behavioral Health Home program expansion. Rep. Whiteford replied, "It just makes so much sense."

### **Regional Training**

The NMRE is considering working in collaboration with Region 1 PIHP to employ an individual to provide required core training to the northern regions. The trainer would be employed by either NorthCare Network or the NMRE with costs shared by both. Mr. Kurtz suggested adding a certified peer to provide peer supports services training. Mr. Nowak requested the topic be brought up again in July with costs attached. Mr. Schmidt voiced support of the endeavor. Mr. Kamps asked whether CMHAM has been asked to devote a trainer to the northern region. Mr. Johnston replied that training have been scheduled locally but they fill up with downstate staff.

### OLD BUSINESS

Let the record show that there was no "Old Business" on the Agenda for the meeting on this date.

### COMMENTS

Mr. Kovacs voiced distress to hear Rep. Whiteford say telephone contacts would not be allowed. Many consumers don't have the equipment/technology to video conference. He noted that it would severely limit the region's ability to provide the services. During the coronavirus crisis, consumers have been very receptive to phone contacts. Ms. Pelts agreed, adding that other insurers in the primary health realm utilize phone contacts. Mr. Nowak suggested that the Ops Committee compose a letter to advocate for the allowance of phone contacts. Ms. Gebhard reported that bills for telehealth are awaiting Governor's signature. Billing for phone contacts would require CMS approval. It was noted that, conceptually, this all ties in to BHH model.

### NEXT MEETING

The next meeting of the NMRE Board of Directors will take place on July 22, 2020. Communication will be sent regarding whether the meeting will take place at the NMRE office in Gaylord, an alternate location, or via teleconference.

### ADJOURN

**MOTION MADE BY ROGER FRYE TO ADJOURN THE NORTHERN MICHIGAN REGIONAL ENTITY BOARD OF DIRECTORS MEETING FOR JUNE 24, 2020; SECOND BY RICHARD SCHMIDT. MOTION APPROVED BY CONSENSUS.**

Let the record show that Mr. Nowak adjourned the meeting at 11:19AM.