



## 2023 Advocacy Priorities

### Conflict-Free Case Management

BPHASA (Behavioral, Physical Health, and Aging Services Administration) has been convening a work group called [Conflict-free Access and Planning](#). The Arc Michigan is participating in this group.

### Direct Care Workers (DCWs)

Continuing to address the **direct care work force crisis** is imperative. We must prioritize increasing the compensation for this most important and critical component of supports and services to persons with developmental disabilities.

The Arc Michigan facilitates a [coalition](#) of state-wide disability advocacy, disability rights and disability service provider organizations focused on increasing Medicaid funding to increase the wages of direct care workers who provide supports to people who receive services via Michigan's Community Mental Health system. The current efforts of the coalition include:

- Advocating for one-time retention bonuses to DCWs using federal American Rescue Plan Act (ARPA) funding, which includes funds specifically for Home and Community Based Services (HCBS), to incentivize DCWs in this constantly evolving workforce. This was included in the Governor's Supplemental Request 2022-23 but never adopted by the Legislature.
- Our second advocacy item focuses on increasing DCW wages in addition to the \$2.35/hour that was made permanent. Our aim is to get DCW starting wages to \$18/hour statewide in the FY24 budget. It is also paramount to include supervisors as a part of this increase as they often are engaging directly with the individuals that they serve, and they were not included in the prior \$2.35 wage pass through. Additional ways to support and value DCWs is to ensure they are receiving benefits, paid time off, and annual cost of living increases to stabilize the DCW workforce.

The Arc Michigan also actively participates in the State of Michigan’s Direct Care Workforce Advisory Committee, Care Can’t Wait Michigan and the Olmstead Coalition to advocate for and support DCWs in the behavioral health setting.

## **Education**

It is important that The Arc Michigan Education Committee is aware of and provides input when changes to Michigan Administrative Rules for Special Education (MARSE) or education legislation is proposed that impacts students with disabilities.

- The Education Committee discusses relevant education topics, including reviewing and studying Michigan Department of Education, Office of Special Education guidance, proposed rules changes to the Michigan Administrative Rules for Special Education (MARSE), and proposed education legislation. The committee provides public comment as appropriate. The committee develops and updates The Arc Michigan Position Statements related to education. Committee members share the above information with their organizations to further advocacy efforts. <https://arcmi.org/public-policy/education-committee/>
- Special Education Advocacy for Students Experiencing Foster Care

The Arc Michigan received a grant from the Michigan Department of Health and Human Services (MDHHS) to coordinate and support the efforts of special education advocates for students experiencing foster care across the state of Michigan. For more information click [here](#).

- ✓ We are working on finding long-term sustainable solutions in order to offer this level of support to youth who experience the intersection of being in both Michigan’s Special Education system and Foster Care system.
- ✓ To that point, we are engaged in the newly formed Education and Foster Care Workgroup that the Michigan Department of Education and Department of Health and Human Services co-lead together to impact sustainable and positive changes for this population.

## **Person-Centered Planning, Self-Determination, Independent Facilitation**

Inconsistency in access to, and implementation of, Person and Family-Centered Planning, Self-Directed Service Arrangements and Independent Facilitation must be addressed by MDHHS. The Arc supports a statewide effort aimed at improving current systems, as well as improving individual/family experiences for those served within the Public Behavioral Health System.

- The Arc Michigan [interviews](#) people with disabilities and family members about their experience with person-centered planning during the MDHHS site reviews to improve services at CMHSPs.
- We facilitate [Partners Advancing Self-Determination](#).
- Arc Michigan staff also maintain the Person-Centered Planning & Self-Determination [Help Desk](#) which answers questions people may have about self-directed services and person-centered planning.
- Additionally, the Arc Michigan helps to plan MDHHS' annual Self-Determination Conference.

### **Regional Entity Status Change**

The ten Prepaid Inpatient Health Plans (PIHPS), the managed care entities responsible for distributing Medicaid to the forty-six community mental health services providers (CMHSPS) and enforcement of state and federal rules, regulations, statutes, and contract provisions were formed under the regional entity statute section of the Mental Health Code, 330.1204(b).

- The boards of directors of the PIHPs are populated with board members from the community mental health services providers who comprise the PIHP. This constitutes a conflict of interest in light of the role of the PIHP. The board structure of the PIHPS needs to be revised so that the majority of board members are not CMHSP board members.
- The Arc Michigan and partner organizations are working to make this change in the PIHP Boards of Directors.

### **Statewide Service Discrepancies**

The state-funded behavioral health system **must eliminate statewide discrepancies in the availability of services and supports**. Where you live cannot determine the quality or scope of services and supports. Significant inequalities across the state are found in person-centered and family-driven/youth-guided planning, self-directed services and supports, and criteria for priority service and CMHSP pre-admission screening determinations. Existing discrepancies must be eradicated for statewide equity and quality.

- The Arc Michigan participates in a Statewide Advocacy Group that is focused on this issue, and data will continue to be collected during site reviews.
- The Arc Michigan is monitoring developments at MDHHS (Michigan Department of Health and Human Services) and its Executive Director meets monthly with staff from BPHASA.

### **Supported Decision-Making**

Far too often guardianship is granted in the courts of our state as a matter of course when no evidence of a need for guardianship has been presented or argued.

- The Arc Michigan will actively support legislation requiring a finding on the record of the necessity of guardianship before a guardian can be appointed and that the record shows the court has considered whether the individual's needs may be met without the appointment of a guardian through other supports, services, and alternatives.
- We will work with Guardianship Diversion Committee of the Elder Abuse Task Force to develop a process that will provide information and support, when a petition for guardianship is filed with the court, to assist with putting in place needed supports, services, and/or any other alternatives available to the individual, that would eliminate the necessity for guardianship.
- To implement actions, and engage services, which are consistent with a person's wants and needs, a Guardian must meet regularly with their ward to ask, see for themselves, and establish what those wants and needs are.
  - ✓ The Arc Michigan will actively support legislation requiring mandated regular meetings between guardians and their wards.
- People with Developmental Disabilities deserve equal treatment under the law. The current laws of the [Mental Health Code](#), under which most guardianships for people with developmental disabilities fall, does not provide the same protections that people receive under [Estates and Protected Individuals Code](#) (EPIC).
  - ✓ We will advocate for parity between the laws of guardians EPIC and under the Mental Health Code.

## **Issues We Monitor**

### **Adult Home Help**

Adult Home Help is the Medicaid State Plan Personal Care Program that provides in home services to those who qualify for assistance with Activities of Daily Living (ADLs), which include: eating or feeding, using the bathroom, bathing, grooming, dressing, transferring, and mobility. If the individual qualifies for assistance with ADLs, then they may also get assistance with Instrumental Activities of Daily Living (IADLs), which are: taking medication, meal preparation, laundry, housework, and shopping.

- We will continue to advocate for closing wage disparities between individual direct care workers (DCW) in Home Help and those providing supports and services in other Medicaid funded programs.
- We will continue to monitor the roll out of the Electronic Visit Verification process to advocate for ease of use, accuracy, flexibility, and accessibility.

### **Behavioral Health Integration**

Although the existing CMH system is far from perfect, privatization would put profits ahead of what is in the best interest of the more than 300,000 Michiganders with mental health and/or developmental disabilities who rely on the critical supports and services the current system provides. Privatization would mean less person-centeredness, less choice, and greatly reduced financial transparency. In particular, we will be monitoring the plan for dual eligibles to transition to a Highly Integrated Plan. This currently does not include folks in the Behavioral Health system.

- The Arc Michigan continues to monitor efforts to turn the mental health system over to the Medicaid Health Plans in an effort to integrate services.

### **Certified Community Behavioral Health Clinics (CCBHCs)**

CCBHCs are demonstrations that aim to improve behavioral health services. Thirteen behavioral health service providers are participating in the demonstration program. These sites, comprised of both rural and urban locations, include 10 Community Mental Health Services Programs (CMHSPs) and three non-profit behavioral health entities, together serving 16 Michigan counties.

- Because CCBHCs appear to be based on a medical model, we are monitoring their development and expansion.

## **Funding**

Our public mental health system is underfunded. Additionally, state law requires CMHSPs to be the safety net for persons who have nowhere else to turn and those who have no insurance. The current system leaves many non-Medicaid individuals with unmet needs, they are not given the proper consideration for eligibility, are placed on waiting lists, and left without services or assistance from anyone. An increase in general fund dollars and working to **ensure sufficient funding** for our public mental health system must be a priority.

- The Arc Michigan supports various efforts to alleviate **spend-down issues**, whether using a 1915(i) Waiver, additional mental health funding, or a change in the protected income level.

## **HCBS Transition**

The deadline for compliance with the Home and Community-Based Services (HCBS) is 3/17/23. The state filed a Corrective Action Plan asking for, amongst other things, six months following the CMS response to their heightened scrutiny submission in which to help people move to HCBS compliant settings.

- The Arc Michigan will closely monitor what happens to the settings in heightened scrutiny and how the state assists individuals who need to move. The list is currently being reviewed by CMS.

## **Supplemental Security Income (SSI)**

Currently individual SSI recipients may not have more than \$2,000 in assets. An SSI eligible couple may have no more than \$3,000 in assets. Asset limits have not been raised since 1989, and that increase only partially offset the effects of inflation up to that point. These asset limits do not allow people to save for the kinds of emergencies we all face, like having to move, or a furnace that needs to be replaced, or even some auto repairs.

- We will continue to support the advocacy work of the Arc of the US to get the [SSI Savings Penalty Elimination Act](#), which did not pass in the last legislative cycle, re-introduced and passed.

## **Waiver Renewals**

Michigan's Waivers are up for renewal in 2024.

- The Arc Michigan will follow the progress, offer to assist, and provide comments for any drafts provided. If we are not allowed to participate in the process, The Arc Michigan will provide comments during the public comment period.