

EATON COUNTY BOARD OF COMMISSIONERS

JUNE 20, 2024

**RESOLUTION OPPOSING MDHHS PLANS TO IMPLEMENT NEW CONFLICT
FREE ACCESS AND PLANNING STRATEGIES IN MICHIGAN**

Introduced by the Public Safety Committee

WHEREAS, Community Mental Health Authority of Clinton, Eaton, and Ingham Counties (CMHA-CEI) is a multi-county Community Mental Health Services Program (CMHSP) and a Certified Community Behavioral Health Clinic (CCBHC) serving residents of Clinton, Eaton, and Ingham Counties. CMHA-CEI provides specialty mental health services and supports to over 13,000 persons with mental health conditions, youth with serious emotional disturbance, individuals with intellectual/developmental disabilities and individuals with substance use disorders; and

WHEREAS, the public mental health system in Michigan is based on the Federal Community Mental Health Centers Act of 1963 and grounded in the Michigan Mental Health Code, Public Act 258 of 1974. This created a state and county partnership for community mental health and related safety net services; and

WHEREAS, this arrangement ensures that shared state and county mental health policy objectives are accountable to local communities and their elected representatives. This arrangement also ensures that resource and care decisions are ultimately accountable through board governance to the persons and families that need public mental health services, including allocated PA2 funding; and

WHEREAS, CMHSPs are instruments of county government with statutorily defined obligations that mitigate against the likelihood of a pecuniary conflict of interest. These include direct accountability to the community through a public board, open meetings, a guaranteed recipient rights appeal & grievance system, established independent person-centered planning facilitation requirements, and expanding availability of consumer self-determination/self-directed options.

WHEREAS, MDHHS has announced its decision to require CMHSPs to separate service assessment and planning from service delivery, requiring beneficiaries to receive the assessment and planning services from one entity and ongoing direct services from another, separate entity by October 1, 2024; and

WHEREAS after careful review the conclusions are that the current decision:

- Is in conflict with the statutory responsibilities of CMHSPs under Michigan law;


- Erroneously implies profit driven or undue enrichment motives on the part of governmental entities (CMHSPs and PIHPs) instead of recognizing what is actually a formal transfer of governmental responsibility from the State to the Counties for the delivery of public behavioral health services;
- Ignores the capitation-based financing of the Michigan public behavioral health system, which is constant and does not vary by volume of individuals served negating any conflicts of interest in service planning and service delivery;
- Ignores Michigan's current shared risk (with MDHHS) financing system which already mitigates against conflict and self-interest.
- Is in conflict with the Certified Community Behavioral Health Clinic (CCBHC) model currently being implemented and expanded in Michigan;
- Ignores, at best, and disregards, at worst, input from persons with lived experience that have consistently stated that the available procedural safeguards are preferable to systemic/structural upheaval inherent in MDHHS announced decisions.

THEREFORE, BE IT RESOLVED, in the strongest possible terms, and for the reasons noted herein, the Eaton County Board of Commissioners **opposes the MDHHS announced structural strategies** for compliance with the federal Conflict Free Access and Planning Rules.

FURTHER BE IT RESOLVED, that Eaton County respectfully asks the Governor to urge MDHHS to rethink their proposal for the Conflict Free Access & Planning requirements within the context of the 61 year state and county statutory relationship for public mental health services and collaborate with the Michigan Community Mental Health Association to identify procedural pathways for compliance that build on the strengths of the existing CMHSP system.

FINALLY, BE IT RESOLVED, that a copy of this resolution be provided to US Senator Debbie Stabenow, US Representative Elissa Slotkin, Governor Gretchen Whitmer, Senate Majority Leader Winnie Brinks, Speaker of the House Joe Tate, Senator Sarah Anthony, Representative Angela Witwer, Michigan Department of Health and Human Services Director Elizabeth Hertel, the Michigan Association of Counties, and all Michigan counties.

THIS RESOLUTION was adopted by the Eaton County Board of Commissioners at its regularly scheduled meeting on June 20, 2024.



 Chairman of the Board of Commissioners



 Clerk of the Board of Commissioners