

RESOLUTION OF THE XXX BOARD OF COMMISSIONERS OPPOSING MDHHS APPROACH TO MEETING THE FEDERAL CONFLICT FREE ACCESS AND PLANNING IN MICHIGAN AND URGING COLLABORATIVE DEVELOPMENT OF AN ALTERNATIVE APPROACH

WHEREAS, the Centers for Medicare and Medicaid Services (CMS) has a requirement ensuring conflict free casemanagement/conflict free access and planning in relationship to Medicaid-funded Home and Community Based Services.

WHEREAS, a number of approaches to meeting this requirement have been proposed by stakeholders to the state's public mental health system, including the state's Community Mental Health Services Programs (CMHSPs) and Prepaid Inpatient Health Plans (PIHPs) that ensure ease of access to care in the state's public mental health system.

WHEREAS, the Michigan Department of Health and Human Services (MDHHS) has, instead of working with these stakeholders around the pursuit and implementation of these approaches, announced its plans to implement an approach to meeting the CMS requirement that will fragment the state's public mental health system, hinder access to care for Michiganders, and make an already complex system more complex.

WHEREAS after careful review, the (xxxxx Board of Commissioners) concludes that the conflict-free approach being pursued by MDHHS:

- Ignores the voice of persons with lived experience who have consistently stated that the MDHHS proposal hinders access and quality service delivery and makes a complex system more complex;
- Is diametrically opposed to state, national and local efforts to integrate and coordinate mental health care, including Michigan's innovative Behavioral Health Home and Certified Community Behavioral Health Clinic (CCBHC) initiatives in place in communities across the state;
- Conflicts with the statutory responsibilities of Michigan's county-based Community Mental Health system;
- Moves service authorization farther from the point of service delivery and further from the oversight and partnership of Michigan counties, thus emulating a private for-profit system – in rather than in concert with the county-based public system; and
- Erroneously implies profit-driven or undue enrichment motives on the part of governmental entities (CMHSPs) instead of recognizing what is statutorily a formal transfer of governmental responsibility from the state of Michigan to the counties for the delivery of public mental health services.

THEREFORE, BE IT RESOLVED THAT, for the reasons noted herein, the (xxxxx Board of Commissioners) opposes the approach being proposed by MDHHS to meet the federal Conflict Free standards; and strongly urges MDHHS to halt its efforts in pursuit of this approach.

BE IT FURTHER RESOLVED THAT the (xxxxx Board of Commissioners) requests MDHHS: work with the state's counties, CMHSPs, and PIHPs, and their associations, and other stakeholder groups in

the design and implementation of an approach to meeting the CMS Conflict-Free standards; involve these parties in any communication with the federal Centers for Medicare and Medicaid Services (CMS) regarding CMS's understanding and approval of the Michigan plan; and seek approval, by CMS, for this jointly developed conflict-free plan.