

Behavioral Health Planning Council Legislative Committee
Friday, Feb. 10, 2023
12 to 1 p.m. CT

Legislative Committee Members in Attendance: Carlotta McCleary, Emma Quinn, Carl Young and Andrea Hochhalter

Legislative Committee Members Absent: Lorraine Davis

Additional BHPC Members in Attendance: Mandy Dendy, Mathew McCleary, and Pamela Sagness.

DHHS Staff Liaison: Tami Conrad

Call to Order: Chairperson McCleary called the meeting to order at 12:07 PM CT via video conference.

Quorum: A quorum was declared

Approval of Minutes. EMMA QUINN MADE AND CARL YOUNG SECONDED A MOTION TO APPROVE THE JANUARY 27, 2023, LEGISLATIVE COMMITTEE MEETING MINUTES. THE MOTION PASSED UNANIMOUSLY.

EMMA QUINN MADE AND CARL YOUNG SECONDED A MOTION TO APPROVE THE FEBRUARY 3, 2023, LEGISLATIVE COMMITTEE MEETING MINUTES. THE MOTION PASSED UNANIMOUSLY.

Review of Legislative Calendar Activities

- Week just ended:
 - **HB 1138** (Mental Health Courts). BHPC did not provide testimony related to this bill but is following. The bill was hog housed and turned into allowing the North Dakota Supreme Court to create Mental Health Courts like the existing Drug Court program. The bill was passed out of committee and the full House floor, the House has received the bill.
 - **HB 1261** (IMD Exclusion Waiver) The BHPC testified in opposition, as had MHAN at the time of hearings. The bill had a Do Not Pass recommendation. The bill ultimately failed on the House floor. There was a proposed amendment that would have sought to have an 1115 IMD Exclusion Waiver only for the tribal nations. That proposed amendment had failed. There were questions as to whether an 1115 IMD Exclusion Waiver could have only applied to the tribal nations or whether the only option was to have a state-wide waiver. Other discussion shared included:
 1. Legislators noted the failure of Montana's costly application, DHHS stating \$1.5 million was an understatement of the true cost, the concerns with *Olmstead* (and ND's current *Olmstead* settlement

- agreement with the DOJ), and the history of the IMD Exclusion being the fostering of community services over institutionalization.
2. Carlotta submitted additional information as per committee motion to the House Human Services committee chairs and Senator Dever, one of HB 1261's sponsors. ND has the CMS-approved option of having Medicaid Expansion provide limited reimbursement to IMDs, because ND has a managed care Medicaid Expansion (Blue Cross & Blue Shield of ND). ND DHHS has chosen not to do this. Prairie Learning Center also wanted that information, but Carlotta had not yet forwarded it to them.
 3. Carlotta relayed related information regarding IMDs. Altru in Grand Forks was constructing a separate facility (over the 16-bed limit under the IMD Exclusion) with Prairie St. Johns managing it.
 4. Carlotta also stated that there was an amendment attempted to have the State Hospital run as a forensic-only facility. There was a lot of opposition but had prominent legislator support.
 5. IMD Exclusion Waiver efforts could resurface in SB 2012 throughout the legislative process. The committee will monitor.
- **SB 2012** (NDDHHS Budget Bill). The bill is supposed to be out of the Senate Appropriations-Human Resources subcommittee next week. MHAN is looking to have a bulleted list of priorities, and there was discussion if BHPC should also have a bulleted list of priorities. Previously BHPC testified on the IMD Exclusion Waiver and the new State Hospital.
 - CARL YOUNG MADE AND EMMA QUINN SECONDED A MOTION TO MOVE FORWARD THE TESTIMONY PACKAGE TO THE FULL SENATE COMMITTEE ON THIS BILL. MOTION PASSED UNANIMOUSLY.
 - EMMA QUINN MADE AND ANDREA HOCHHALTER SECONDED A MOTION TO PROVIDE THE FULL COMMITTEE ADDITIONAL INFORMATION ABOUT THE IMD EXCLUSION WAIVER AND THE OPTION FOR MEDICAID EXPANSION REIMBURSEMENT TO IMD FACILITIES. MOTION PASSED UNANIMOUSLY.
 - Upcoming Week
 - **SB 2335** (Fetal Alcohol Spectrum Disorder definitions, training, screening, FASD Council): Carl Young provided an update on this bill. This was largely a bill designed to help with children and youth with FASD in the foster care system and address the school-to-prison pipeline. The bill would develop a developmental disability definition of FASD under the developmental disability state law, provide training on FASD to foster care families, and address screening of kids entering the foster care system. CFS is also adding the subject into their training.
 - It was discussed that this bill probably cannot be addressed by BHPC, as it's less directly related to the mental health aspects of FASD than the developmental disabilities world.

- **SB 2012 & HSRI-aligned bills:** The BHPC could benefit from focusing its attention on HSRI-related bills, amendments, and needs. Pam Sagness joined in the meeting to state that she had developed a multi-column document showing where bills are in the session and how they align with the DHHS budget and related goals. Need to ensure priorities are in the budget in this stage, or else it will not be in the bill. The deadline for submitting materials into the committee is quick- Tuesday, February 14.
- CARL YOUNG MADE AND EMMA QUINN SECONDED A MOTION TO FORWARD BHPC PRIORITIES AND POSITIONS INCLUDING HSRI IMPLEMENTATION GOALS TO APPROPRIATIONS COMMITTEE. MOTION PASSED UNANIMOUSLY.

Consideration of Select Bills

No further specific plans were made at this time.

Public Comment: Chairperson Carlotta McCleary called for public comments. No public comments were given.

Next Meeting-February 17, 2023, at 12:00 PM CT via videoconference

Adjournment: Having completed the agenda items and hearing no further comments from BHPC Legislative Committee members, Chairperson McCleary adjourned the meeting at 1:08 PM.

Respectfully submitted,
Carlotta McCleary, Chair BHPC