RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
EXECUTIVE OFFICE
LANSING

BRIAN CALLEY
LT. GOVERNOR

EXECUTIVE ORDER
No. 2013 - 7

CREATION OF
MENTAL HEALTH DIVERSION COUNCIL
MICHIGAN DEPARTMENT OF COMMUNITY HEALTH

WHEREAS, Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power of the state of Michigan in the Governor; and

WHEREAS, the state of Michigan recognizes the goal of reducing the number of people with mental illness or intellectual or developmental disabilities (including comorbid substance addiction) from entering the corrections system, while maintaining public safety; and

WHEREAS, it is important that the state of Michigan improve behavioral health screening, assessment, and treatment of individuals involved in the criminal justice system to improve identification, reduce risk, and provide adequate care for complex behavioral health conditions; and

WHEREAS, effective coordination of state and local resources is needed to provide necessary improvements throughout the system, including stakeholders in law enforcement, behavioral health services, and other human service agencies; and

WHEREAS, establishment of the Mental Health Diversion Council within the Michigan Department of Community Health will advise and assist in the implementation of a diversion action plan, and provide recommendations for statutory, contractual, or procedural changes to improve diversion;

NOW, THEREFORE, I, Richard D. Snyder, Governor of the state of Michigan, by virtue of the power and authority vested in the Governor by the Michigan Constitution of 1963 and Michigan law, order the following:

I. CREATION OF THE MENTAL HEALTH DIVERSION COUNCIL

A. The Mental Health Diversion Council ("Council") is created as an advisory body to the Governor within the Michigan Department of Community Health ("Department").

B. The Council shall be composed of fourteen (14) members appointed by the Governor. Of the members initially appointed, four (4) members shall be appointed for terms expiring on January 30, 2015; five (5) members shall be appointed for terms expiring on January 30, 2016; and five (5) members shall be appointed for terms expiring on January 30, 2017. After the initial appointments, members of the council shall serve a term of four (4) years.

C. The Council consists of the following members:

- The Lieutenant Governor, or his designee from within the Lieutenant Governor's office;
- The director of the Department of Community Health, or his designee from within the Department of Community Health;
- The director of the Department of Corrections, or his designee from within the Department of Corrections;
- An individual representing the State Court Administrative Office;
- An individual representing a Medicaid pre-paid inpatient health plan (PIHP);
- An individual representing adult service agencies and/or providers from a local community mental health service program (CMHSP);
- An individual representing the judiciary;
- An individual representing prosecutors;
- An individual representing community prisoner or jail re-entry;
- An individual representing court administrators;
- An individual representing county sheriffs;
- An individual representing local law enforcement;
- A licensed attorney with experience representing individuals with mental illness; and
- An individual representing advocates or consumer representatives.

D. A vacancy on the council occurring other than by expiration of a term shall be filled in the same manner as the original appointment for the balance of the unexpired term.

II. CHARGE TO THE COUNCIL

A. The council shall act in an advisory capacity and shall do all of the following:

1. Adopt and implement a diversion action plan to improve efforts to divert individuals with mental illness, intellectual, and developmental disabilities (including comorbid substance abuse disorders) from criminal justice involvement to appropriate treatment.

2. Make recommendations for statutory, regulatory, and contractual requirements applicable to criminal justice and behavioral health services. These recommendations are to include the use of screening and assessment tools to improve identification of those in need of treatment.

3. Identify areas of best practice in Michigan to expand the use of effective pre-booking and post-booking options for those with mental illness or intellectual and developmental disabilities.

4. Recommend a performance monitoring process to include baseline and post-implementation data for prevalence of mental illness, outcomes, and return on investment.

5. Recommend a model for improving overall community response for individuals with mental illness, intellectual disabilities, or developmental disabilities who engage in illegal or disruptive behavior.

6. Coordinate with the Mental Health Prevention, Recovery, and Wellness Commission created by Executive Order 2013-6.

B. As directed by the Director of the Department, Department staff shall assist the council with establishment of policies and procedures regarding the use of grants and other funds.

C. The council shall provide other information or advice as requested by the Governor or the Department.

III. OPERATIONS OF THE COUNCIL

A. The council shall be staffed and assisted by personnel from the Department as directed by the Director of the Department. Any budgeting, procurement, and related management functions of the council shall be performed under the direction and supervision of the Director of the Department.

B. The Governor shall designate the Chairperson of the council.

C. The council may select from among its members a Vice-Chairperson.

D. The council shall select from among its members a Secretary. Council staff shall assist the Secretary with recordkeeping responsibilities.

E. The council may create committees and advisory panels to assist the council in policy-making recommendations.

F. A majority of the members of the council serving constitutes a quorum for the transaction of the council's business. The council shall act by a majority vote of its serving members.

G. The council shall adopt procedures consistent with Michigan law and this Order governing its organization and operations, and may establish committees and request public participation on advisory panels as the council deems necessary. The Council may adopt, reject, or modify any recommendations proposed by committees or advisory panels.

H. The council shall meet at the call of the Chairperson and as may be provided in procedures adopted by the council.

I. In developing recommendations, the council may, as appropriate, make inquiries, studies, investigations, hold hearings, and receive comments from the public. The council may consult with outside experts in order to perform its duties, including, but not limited to, experts in the private sector, organized labor, government agencies, and at institutions of higher education.

J. Members of the council shall serve without compensation but may receive reimbursement for necessary travel and expenses according to relevant statutes and the rules and procedures of the Michigan Civil Service Commission and the Department of Technology, Management, and Budget, subject to available funding.

K. The council may hire or retain contractors, sub-contractors, advisors, consultants, and agents, and may make and enter into contracts necessary or incidental to the exercise of the powers of the council and the performance of its duties as the Director of the Department deems advisable and necessary, in accordance with this Order, and the relevant statutes, rules, and procedures of the Michigan Civil Service Commission and the Department of Technology, Management and Budget.

L. The council may accept donations of labor, services, or other things of value from any public or private agency or person. Any donations shall be expended in accordance with applicable laws, rules, and procedures.

M. Members of the council shall refer all legal, legislative, and media contacts to the Department.

IV. MISCELLANEOUS

A. All departments, committees, commissioners, or officers of this state or of any political subdivision of this state may give to the council, or to any member or representative of the council, any necessary assistance required by the council, or any member or representative of the council, in the performance of the duties of the council so far as is compatible with its, his, or her duties.

B. Any suit, action, or other proceeding lawfully commenced by, against, or before any entity affected by this Order shall not abate by reason of the taking effect of this Order.

C. The invalidity of any portion of this Order shall not affect the validity of the remainder of the Order.

This Executive Order shall become effective upon filing.

Given under my hand and the Great Seal of the state of Michigan this 20th day of February, in the Year of our Lord Two Thousand Thirteen

RICHARD D. SNYDER
GOVERNOR

BY THE GOVERNOR:

SECRETARY OF STATE

FILED WITH SECRETARY OF STATE

ON 2/20/13 **AT** 1:55 P.M