

The Michigan Autism Council



AUTISM COUNCIL MEETING MINUTES

Friday, December 17, 2021

9:00 am – 12 pm

COUNCIL MEMBERS PRESENT	ORGANIZATION, REPRESENTATION
Diane Heinzelman, Chairperson	Michigan Department of Health and Human Services, Appointed Position
Colleen Allen	Autism Alliance of Michigan, Non-Profit Organization serving those with ASD
Martin Baum	Parent, ASD Community
Mary Chaliman	Michigan Department of Health and Human Services, Child Welfare
Jacob Daar	Northern Michigan University, State Universities
Brian DeBano	Michigan Department of Licensing and Regulatory Affairs
Amy Matthews, Vice-Chair	Grand Valley State University, State-funded Initiatives
Rebecca McIntyre	Michigan Department of Education
Amy Miilu	Michigan Department of Insurance and Financial Services
Jenny Piatt	Michigan Rehabilitation Services, Employment Services
Lauren Ringle, Secretary	Intermediate School Districts and Local Schools
Neelkamal Soares, MD	Western Michigan University Homer Stryker MD School of Medicine, Health Care Providers
Frank Vaca	Self-Advocate, ASD Community
COUNCIL MEMBERS EXCUSED	ORGANIZATION, REPRESENTATION
Krista Boe	Autism Centers of Michigan, Certified Behavior Analysts
Dana Lasenby	Oakland Community Health Network, Pre-Paid Inpatient Health Plans/Community Mental Health Service Programs
George Mellos, MD	Michigan Department of Health & Human Services
Raymie Postema	Michigan Department of Health & Human Services, Recipient Rights
MDHHS STAFF PRESENT	MDHHS REPRESENTATION
Leslie Asman	Legal Affairs Administration
Tracy Crockett	State Hospital Administration
Lisa Grost	Policy, Planning and Organizational Support Administration
Kristen Jordan	Financial Operations Administration
Mary Luchies	State Hospital Administration
Jeff Wieferich	Behavioral Health and Development Disabilities Administration
Marina Wyrzykowski	Legislative Affairs
GUESTS PRESENT	ORGANIZATION
Taylor Barker	Ebb and Flow ABA Therapy
Susan Clayborn	Residential Options
Jessica Corliss	Michigan Department of Education

Marianna Fraga	Henry Ford Hospital
Julie Kornack	Center for Autism and Related Disorders
Mark Laman	Developmental Enhancement Behavioral Health
Jill Matson	Autism Alliance of Michigan
Holly Miller	Self-Advocate
Abby Railing	MORC, Inc.
Melissa Roy	Roy Public Affairs
Mary Schrier	Community Mental Health of Central Michigan
Suzanne Taylor	Positive Behavior Supports
Chaunta Tsegaye	Autism Alliance of Michigan
Ebony Williams	Oakland Community Health Network

CALL TO ORDER

The Autism Council meeting was called to order by Diane Heinzelman at 9:01 am. A quorum was present for the meeting.

ROLL CALL

A roll call of Council members, MDHHS staff, and guests was completed.

APPROVAL OF PREVIOUS MINUTES

Diane Heinzelman called for a **MOTION** to approve the October minutes. Frank Vaca made a **MOTION** to approve the October minutes. Lauren Ringle **SECONDED** the motion. The **MOTION** carried.

PUBLIC COMMENT

Taylor Barker, Clinical Director at Ebb & Flow ABA Therapy, reviewed the flyer Julie Kornack provided to Autism Council members and guests. He indicated the Prepaid Inpatient Health Plans and Community Mental Health Service Programs are making restrictions and limitations on the delivery of Applied Behavior Analysis services which violate the Mental Health Parity and Addictions Equity Act, including time of day, age, and location. Jeff Wieferich, Bureau Director of Community Based Services within the Behavioral Health and Developmental Disabilities Administration, responded that individuals can share challenges with Lisa Grost who will report them to him for resolution. (*Testimony attached*)

Michigan Department of Health and Human Services (MDHHS) UPDATES

Financial Operations Administration-MDHHS Budget: Kristen Jordan reported that the House and Senate passed the Legislature’s version of the supplemental appropriations for FY21 and FY22. The FY21 portion includes a \$140M federal appropriation in the Michigan State Police budget for available Federal Emergency Management Agency (FEMA) funding to support COVID-19 response and mitigation projects administered by MDHHS.

The FY22 supplemental request was slightly over \$1 billion, and the legislature approved \$325.4 million in HB4398. In addition to American Rescue Plan grants, HB4398 included funding for several non-COVID-related items, including:

- \$5M increased local school district revenue made available for child and adolescent health services
- \$1.2M GF for a behavioral health pilot program to integrate innovative digital therapeutics and assist persons having an opioid use disorder with recovery
- \$100,000 GF to be allocated to a mental health crisis services organization in Oakland County
- \$36.3M for environmental health threats response in Benton Harbor and other communities

Legislative Affairs Update: Marina Wyrzykowski reported on the following bills:

New:

[House Bill 5488/5489](#) (Kahle, Brabec) – *enacts psychology interjurisdictional compact; modifies those who are authorized to engage in practice of psychology in the state to include those authorized under psychology interjurisdictional compact* – LARA/LEGAL Lead, passed the House without amendment 95-0 w/ immediate effect, referred to Senate Health Policy & Human Services

[House Bill 5497](#) (Anthony) – *allows for certain number of excused health days from school* – EDU Lead, referred to House Education

[Senate Bill 714](#) (Shirkey) – *provides for multidepartment supplemental appropriations for behavioral health changes* – SBO/DHHS Lead, referred to Senate Appropriations

[House Bill 5165](#) (Whiteford) – *modifies CMH ability to pay provision for adult inpatient psych services* – DHHS Lead, reported from House Health Policy without amendment

Updates:

[Senate Bill 637/638](#) (Chang, Outman) – *creates community crisis response grant fund and program and behavioral health jail diversion program* – DHHS Lead, reported from House Health Policy and passed the House 91-11; ordered enrolled

[House Bill 4059](#) (Wendzel) – *modifies autism evaluation review process requirements for Medicaid eligibility* – DHHS Lead, signed by the Governor 11/10/21, became PA 111 of 2021, effective on last day of Session. The discussion included the key element of this law is “individuals are not required to have a re-evaluation to determine continued eligibility for behavioral health treatment unless a re-evaluation was medically necessary.”

[House Bill 4071/4072](#) (Kahle/Calley) – *Includes abuse of a vulnerable child as second degree child abuse, enacts sentencing guidelines* – DTMB/DHHS/CORR Lead, passed the House 10/27 with immediate effect 101-3, referred to Senate Judiciary & Public Safety

Senate Bills [597](#) and [598](#) (Shirkey, Bizon) – *Provides specialty integrated plan in behavioral health services; provides updates regarding the transition from PIHPs to specialty integration plans* – DHHS Lead, reported from Senate Government Operations with substitute S-2

MI Kids Now: Leslie Asman, Legal Affairs Administration, thanked the Autism Council members for their participation in the MI Kids Now Engagement Forum in November and indicated their feedback on lack of consistency for families accessing services, receiving standardization of treatment, and having mobile crisis services and getting communication. These items will be a priority for MDHHS. Martin Waymire Public Relations Firm was hired to assist with ongoing forums and communication. Leslie Asman shared the KB vs Hertel litigation is heading into the settlement phase, and the settlement items will be embedded in MI Kids Now.

Jenny Piatt shared Michigan Rehabilitation Services and the Autism Council members have several avenues to assist in sharing information with families and service providers.

Jacob Daar suggested revising the compliance system as a priority under MI Kids Now. He reported providers are intimidated by the continued non-consistent auditing process from Prepaid Inpatient Health Plans and Community Mental Health Service Providers. Applied Behavior Analysis and other service providers are afraid of contracting with the system due to the timing, process, and lack of communication and technical assistance from MDHHS.

State Hospital Administration: Lisa Grost reported on behalf of Dr. George Mellos. Caro, Kalamazoo, and Hawthorn Psychiatric Hospitals each have an Applied Behavioral Treatment Unit which are reporting patients having a discharge ready date between 30 to 180 days. The State Hospital Administration has 9 Licensed Behavior Analysts and expect to be fully staffed with 12 by February 2022.

Behavioral Health and Developmental Disabilities Administration (BHDDA): Jeff Wieferich shared Autism Services policy guidance from MSA 20-21 was shared with the Prepaid Inpatient Health Plans and Community Mental Health Service Providers in an August meeting and in a Frequently Asked Questions document.

Jeff Wieferich provided clarification the ADOS-2 does not need to be utilized when a re-evaluation for Behavioral Health Treatment is needed, and he stated other assessments and tools can be utilized. He reported the monitoring of Autism Services is delegated to the Prepaid Inpatient Health Plans, and they are monitored similar to other Early and Periodic Screening, Diagnostic and Treatment (often called EPSDT) services.

Colleen Allen stated there is tremendous disparity of services throughout the state. Poor access and inconsistency are very frustrating for families and providers. Neel Soares reported there is duplication of evaluations occurring due to many Community Mental Health Service Programs not accepting evaluations from providers not contracted in their system. He also said ongoing communication is needed for clarification and consistency.

Diane Heinzelman stated consistent monitoring and supervision for accountability of contracts is essential for families. She said delegating oversight to the Prepaid Inpatient Health Plans, without additional review, analysis, and technical assistance by MDHHS, does not guarantee optimum access to services.

Jeff Wieferich said he would send out clarification to the Prepaid Inpatient Health Plans on Autism Services evaluations, re-evaluations, and utilization of outside providers' evaluations based on feedback from Council members and public comment.

New Business

Medicaid ASD Screening, Evaluation and Treatment Best Practice Guidelines/ASD Evaluation Workgroup:

Lisa Grost reported the Autism Evaluation Workgroup will be reconvening to modify the Medicaid ASD Screening, Evaluation and Treatment Best Practice Guidelines to implement the new re-evaluation and telehealth policies. Kara Brooklier will co-chair the workgroup, with modifications shared with the Autism Council members. Diane Heinzelman suggested an Executive Summary be added to the Guidelines.

Lisa Grost is working with Kara Brooklier to develop a plan to provide training sessions on the updated Guidelines.

Autism Services and Mental Health Parity: Julie Kornack, Center of Autism and Related Disorders provided a presentation on Mental Health Parity and Addiction Equity (MHPAEA) and Autism Services. (*Fact Sheet and Presentation Attached*) A lengthy discussion included:

- Michigan's autism legislation is outdated and not compliant with MHPAEA.
- DIFS did send a bulletin to have health plans remove the funding cap a few years ago.
- Medicaid public mental health system is not providing autism evaluations and Behavioral Health Treatment/Applied Behavior Analysis consistently after age 21.
- MHPAEA includes not limiting the location of services.
- UnitedHealth class action litigation makes it clear autism services, including Applied Behavior Analysis, is included within MHPAEA.
- Amy Miilu, DIFS member, provided DIFS leadership with the MHPAE concerns from Council.
- MHPAEA prohibits quantitative treatment restrictions such as: age limits, hour limits, dollar limits and visit limits.
- Michigan health plans and insurers limit autism services, including evaluations and Applied Behavior Analysis, to an age cap (generally age 18).

- Michigan Medicaid limits autism services are provided under EPSDT to age 21.
- Michigan Medicaid has some Prepaid Inpatient Health Plans and Community Mental Health Service Programs excluding the provision of autism services during school hours.

Colleen Allen requested Jeff Wieferich to include “autism service provision cannot be denied during school hours” in the Autism Guidance for Prepaid Inpatient Health Plans and Community Mental Health Service Programs. She indicated 2016 guidance is still being utilized within agencies. He agreed to this request.

Diane Heinzelman facilitated discussion on action steps with Council Members. Colleen motioned, “The Autism Council requests DIFS to issue a written clarification to remove the age cap of 18 years old for autism services to be in compliance with MPHAE and 1557 of ACA.” Frank Vaca seconded the motion. The motion passed unanimously.

Colleen motioned, “The Autism Council requests the MDHHS to issue a written clarification to remove the age cap of 21 years old for autism services to be in compliance with federal law and guidance.” Frank Vaca seconded the motion. The motion passed unanimously.

Old Business:

2021 Annual Report: Amy Matthews thanked members for their contributions to the Annual Report. Lisa Grost reported the Annual Report was submitted on November 30, 2021, and shared appreciation for Amy Matthews leadership on the development of it and everyone’s efforts to complete the Annual Report.

Member Updates:

Jacob Daar shared the Upper Peninsula Association of Behavior Analysis had its first annual conference on November 12, 2021. He reported there were 64 participants and evaluations were very positive.

Neel Soares reported the Western Michigan University Developmental Disabilities Conference is scheduled on April 19-20, 2022, at the Kellogg Center in East Lansing. There is a focus on equity as well as autism.

Jenny Piatt shared Michigan Rehabilitation Services has updated their rates: www.michigan.gov/mrs. She indicated there are additional supports for individuals including from Licensed Behavior Analysts. Jenny Piatt also reported the Small Business Association of Michigan Hidden Talent Workshop is scheduled on March 14th at Kellogg Center, in-person at this time. The agenda and registration link will be shared with the Autism Council.

Amy Matthews reported the START Conference is scheduled on May 2, 2022, with a Secondary Transition focus. Keynote speakers are Peter Gerhardt, Amy Gravino and Sean Roy. Registration will open in January at www.gvsu.edu/autismcenter and it will be shared with the Autism Council.

Next Steps:

Diane Heinzelman recapped the Action Items listed below. She stated the Autism Council would like to have MDHHS Accountability and Monitoring of Autism Services, including evaluations and Applied Behavior Analysis services as an agenda item and discussion at the February 25, 2022, meeting.

Diane Heinzelman adjourned the meeting at 12:00 pm. The next Autism Council meeting is **February 25, 2022.**

ACTION ITEMS

WHO	Will do WHAT	By WHEN
Jeff Wieferich	Send Prepaid Inpatient Health Plans clarification on both autism services evaluations/re-evaluations and autism services cannot be limited to outside of school hours as an agency rule. It will be shared with the Autism Council for utilization and dissemination.	1/07/22
Diane Heinzelman and Lisa Grost	Send a request to DIFS to issue a written clarification to remove the age cap of 18 years old for autism services to be in compliance with MHPAEA and 1557 of ACA	1/07/22
Diane Heinzelman and Lisa Grost	Send a request to MDHSS to issue a written clarification to remove the age cap of 21 years old for autism services to be in compliance with federal law and guidance.	1/07/22
All	Send February agenda suggestions to Lisa Grost. <ul style="list-style-type: none">• MDHHS Accountability and Monitoring of Autism Services, including evaluations and Applied Behavior Analysis services.	1/14/22