

Kansas Mental Health Coalition

Speaking with one voice to meet critical needs of people with mental illness.

Agenda

Click on underlined items for web links.

January 24, 2024

9:30 a.m. Welcome and Introductions Mary Jones, President

Minutes of the previous meeting adopted.

9:35 a.m. Reports

Board of Directors - met in December. 2024 schedule and budget adopted.

Financial Report – Mary Jones – Report adopted.

Advocacy Committee – Colin Thomasset / Monica Kurz - March 13 2024 - Mental Health Advocacy Day. Committee is meeting on Fridays at 1:00 p.m. The committee is seeking volunteers to help with various responsibilities at the Capitol March 13. RSVP now for sponsorships, exhibitor tables and attending! Exhibitor registration is open to members only right now – and will open to the public tomorrow. We will sell out – so register asap. The most important thing that happens at Advocacy Day is meeting with your legislators so please make your appointments now. The lunch is sponsored by CareSource and the American Foundation for Suicide Prevention will host ice cream at 2:15 on the second floor. The rally will be at 1:00 p.m. on the south steps and we are hoping for a great crowd.

Governor’s Behavioral Health Services Planning Council – Council report and reports from members serving on the Council or subcommittees. See Annual Subcommittee Reports posted here: <https://kdads.ks.gov/kdads-commissions/behavioral-health/gbhspc/gbhspc-subcommittees>

Big Tent Coalition - Mike Burgess

KanCare Advocates Network – Amy Campbell - meets every week and it's a variety of stakeholders that try to stay on top of the issues pertaining to the Medicaid program.

I had reported to all of you earlier that the at the last Bethell KanCare oversight committee meeting there were legislators who were asking some pretty pointed questions about the request for proposal that has currently been put out by the department for health and environment to secure new MCO contracts. I will say that the legislature is watching the process very carefully and they're very keen to see that the bid process is fair and equitable to all of the bidders who have come in and put in proposals. There are currently 7 bidders who have stepped up to throw their hats in the ring to try to be one of the 3 contracted managed care organizations for the state.

Another issue that we're watching very closely is that last year, the House of Representatives created a welfare reform committee. The welfare reform committee is the one that has been looking really closely at things like homelessness. That committee has actively here in January brought in some out of state speakers again to talk to them about what they might see as issues with our Medicaid program. Yesterday there was a joint meeting with the house commerce and labor committee to talk about Medicaid fraud and welfare fraud. The presentation was about how people might defraud the program. They did

talk about Kansas having a pretty good system but we should be careful about ever adopting anything that might allow things like presumptive eligibility, they don't like self filling application forms. They were particularly negative about the federal government's suspension of eligibility reviews during the pandemic. Stated that anyone who stayed on the program during the pandemic because of these federal rules was fraudulent.

The reinstatement of eligibility redeterminations has had a rocky rollout since last spring. The year will wrap up this spring each state had 12 months to go back and rescreen everyone for eligibility and there have been hundreds of people have lost their Medicaid coverage during this eligibility redetermination period. For most of them, we'll never know if it was because they actually were not eligible anymore or if it was that they just didn't fill out the forms. KDHE has extended deadlines multiple times and set up new tools with the endorsement of CMS. They have a workaround for people who are on waivers or in nursing homes that maybe it was more difficult for them to complete that redetermination process. The MCOs have been granted extra authority to reach out to people to assist as well. Even so, a large number of children have been removed.

Consumer Programs - CAC, CRO, P3, Clubhouse, Other – Recovery Conference June 11-12, Wichita. CROs in this state are working on updating and creating statewide operational standards and ethics for CROs.

Marcia Epstein – thanks to a Coalition conversation here last month resulted in the first of a series of group conversations in Lawrence with peer supported services, including the 2 different CROs that have opened this year. So thank you for starting that conversation even though it's not legislation stuff, it's really significant.

Breakthrough clubs are going to be doing a presentation to the House Social Services Budget Committee at the capital of Thursday about what they do how they're funded and so that there's an informational hearing.

Parity Committee - Amy Campbell / Rick Cagan

The Committee had invited the MCO bidders to interact with them and get some understanding of their views on Mental health parity and how that's working within their own companies and the coverage that they provide but once the RFP went public those representatives felt unsure about whether or not they could communicate openly with our community, our committee. We are not a state entity. But sometimes we do have participation from representatives of the various state agencies and so they're trying to keep a very clear arms length distance. For many outside communication with the state outside of the RFP process because that would be a violation of their applications so that has been basically postponed until April.

January 29 – Parity Webinar - Kim Richter - Kansas parent, will share the experience of a Kansas family navigating the complex requirements of insurance and appeals to gain treatment for their child. This will be the 5th webinar in the Parity Series.

Suicide Prevention Coalition / 988 Crisis Line - Brenna Vicosky/Monica Kurz

10:00 a.m. KDADS Update: Drew Adkins and Leigh Keck

Leigh Keck:

Rules and Regulations: Crisis intervention center regulations that have been in the works for way too long are finally going to be in front of the joint committee on administrative rules and regulations on Friday, February second, and the public comment period is open.

Legislation: Bill to clarify KDADS authority to restrict licenses, solve a problem where right now they can assess a fine for a provider, but in order to get that fine paid, we have to go to district court. Another part of that would be licensing we can deny suspend or revoke a license but we can't put a condition on a license a condition being like hey you need to fix this from your survey and then you can start readmitting people. At this point our option would be to suspend or revoke your license. So this would be kind of an intermediate step to help work with providers. The new law should decrease the regulatory burden and align licensing authority and ability to condition a license and the remedies for licensure with the Kansas Administrative Procedures Act. The third part of this would be the authority for the secretary to provide a waiver from rules and regulations. An example assuming that it does not jeopardize health safety or well being of anyone in the facility receiving care. The Attorney General's office has been pointing out that we do not have statutory waiver authority in our licensing act. We have the waver authority currently in regulations. And so this really wouldn't change any current practices.

We do not want the facilities we regulate to think the bill is a power grab or an attempt to make it more difficult, but these inconsistencies were brought to our attention when pursuing rules and regulations and it needs to be cleaned up. This impacts generally providers of disability services and that includes the ones listed in statute would be residential care facilities residential and they support facilities. Private public psychiatric hospitals, psychiatric residential treatment facilities, community mental health centers, crisis intervention centers, and providers of other disability services licensed by the Secretary for Aging and Disability Services.

House bill 2487 is being heard tomorrow in the house corrections and juvenile justice committee at 1 30 and that is commonly referred to as the good Samaritan Law. Representative Hoheisel has been working with law enforcement to craft something. That, he thinks could easily get through the process. Last year, KDADS and KDHE had a joint harm reduction proposal in the decriminalization of fentanyl test strips was the piece of that original legislation legislative proposal that ended up making it through the process. But the other 2 parts that proposal, we're establishing a fatality overdose review board as well as changes to Good Samaritan laws.

House Bill 2353 deals with changes to outpatient treatment orders. Under the Care and Treatment Act have an assisted outpatient treatment program going. There's a pilot funded with federal funds in 5 or 6 counties across the state and several larger counties like Sedgwick and Johnson and Wyandotte. Drew gave a presentation to the Senate Judiciary Committee the other week about it. So he's kind of gonna give you a recap of that presentation and talk about the program. But the impetus for this bill was feedback we received from our participants in the pilot program of ways that we could improve assisted outpatient treatment by making these changes to outpatient treatment orders.

We've had a work group going over the interim. We heard some concerns from the Disability Bright Center and Mental Health America, Sue Lewis about some of the proposed changes. The group included Judge Winnell, Chris Schneider from the Wyandotte County District Attorney's Office, Disability Rights Center, Mental Health America, KDADS, community mental health centers where we kind of really dove deep into what we're hoping to accomplish with these changes, what the impact would be to providers to prosecutors, to judges, to participants in the AOT program and kind of hammered out agreed upon language. And so the changes that we're wanting to make. The initial ex parte emergency custody order would, is currently at 2 days, we would extend that to 3 days. The other

timeframe that we are extending would be the initial outpatient treatment order is currently set for 3 months and we're wanting to extend that to 6 months and that is based on research about treatment times and wanting to ensure that people are successful with the program. We're also adding decompensation standards to the criteria for outpatient treatment orders and we've used Illinois language. Which has been highlighted by the treatment and advocacy center as model language.

Drew Adkins – Presentation – slides attached to agenda

11:00 a.m. Lobbyist Report Amy Campbell

- The Governor's Budget Report was released January 11, with the Budget Director Adam Proffitt presenting an overview to a joint meeting of the House Appropriations and Senate Ways and Means Committees. Link to the presentation below:

[Director's Budget Presentation](#)

The Governor's Budget Report for FY 2025 is posted online. Volume 1 is a summary of the budget recommendations, while Volume 2 covers each agency budget. See links below:

[FY 2025 Governor's Budget Report–Volume 1](#)

[FY 2025 Governor's Budget Report–Volume 2](#)

- Agency Budget Enhancements Presentations: [KDHE](#) [DCF](#) [KDADS](#)
- Budget Hearings schedule: • State Institutions for Mental Health:
 - o Hearing: February 1 (548-S) (10:30 AM)
 - o Recommendations: February 5 (144-s) (10:30 AM)
 - o Report Out: February 7
- • State Institutions for Intellectual Disabilities:
 - o Hearing: February 1 (548-S) (10:30 AM)
 - o Recommendations: February 5 (144-s) (10:30 AM)
 - o Report Out: February 7
- • KDADS:
 - o Hearing: February 12 (548-S) (10:30 AM)
 - o Recommendations: February 14 (548-S) (12:00 PM noon)
 - o Report Out: February 20
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- House Social Services Budget Committee
 - • KDADS:
 - o Hearing: February 14
 - o Public Testimony: February 15
 - o Recommendations: February 19
 - o Report Out: February 28
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 - • State Hospitals for MH:

- o Hearing: January 30
- o Public Testimony: January 31
- o Report Out: February 14
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- • State Hospitals for Intellectual Disabilities:
 - o Hearing: January 31
 - o Recommendations: February 1
 - o Report Out: February 19
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- February 2 – Bethell Kancare Oversight Committee meeting. Public testimony will be written only this time.
- HB 2345 Supported Decision Making - [KMHC Testimony](#)
- HB 2484 - Social Work licensure compact - [link to bill information](#)
- Mental Health Medication Advisory Committee - MHMAC - [MHMAC Agenda](#)
- HB 2487 - Providing immunity from prosecution for certain drug crimes when persons seek or provide medical assistance related to the use of a controlled substance. Hearing Thursday at 1:30 p.m. - [link to bill information](#)
- HB 2536 - Establishing the SOUL family legal permanency option for children 16 years of age or older - allow young people ages 16 and older in foster care to identify caregivers in their community who have played a significant role in their lives. With agency and court approval, they would form a legally recognized SOUL Family. Hearing Wednesday 1:30 p.m. [Link to bill information.](#)
- HB 2284 - Tax Package combined and passed - veto expected - [Summary CCRB](#)

11:15 a.m. Unfinished Business - Additional input regarding Policy Priorities from members

KMHC supports CRO expansion, but have been told that there most likely would not be budget expansion for CROS. Koleen: that is needed and there are a few groups looking to become new KDADS funded CROs in new locations.

11:25 a.m. Announcements

Keri Strahler : working with a reviser to reestablish an insanity defense in Kansas through reinstatement of the M'Naghten Rule so that defendants can fully exhaust their diagnosis in their defense. At present they're not allowed to use their diagnoses in their defense. If you're interested in giving testimony for the bill and want a copy of it when the reviser is done with it please reach out to me at keri@shawneecountymercyadvocates.com

11:30 a.m. Adjourn

For more information, contact: Kansas Mental Health Coalition

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