



This Week in Lansing

MHSA • Muchmore Harrington Smalley & Associates, LLC

Highlights of the Latest Major Legislative, Administrative and Regulatory Activity in the State Capitol

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AUTO NO-FAULT DISCUSSIONS CONTINUE: ACTION SOON? – *House Republicans* met Tuesday morning for a caucus discussion on the auto no-fault proposal put forth by *Detroit Mayor Mike Duggan* and *House Speaker Tom Leonard* (R-DeWitt Twp) that is currently under consideration in the *House Insurance Committee*. *House Bill 5013* would offer a choice a three different benefit structures for *personal injury protection (PIP)*: up to \$250,000; up to \$500,000; and the current unlimited coverage. Proponents of the plan state that these measures will provide *PIP* rate reductions of up to 40% of current costs. Opponents of this plan state that any rate reduction will occur only by offering an inferior product that exposes accident victims to spending down their assets until individuals qualify for *Medicaid*.

While *House Insurance Committee Chair Representative Lana Theis* (R-Brighton) and *Mr. Leonard* briefed their full caucus on the issue, *Mr. Duggan* continues to work with *House Democrats* to gain the necessary votes to ensure the passage of this legislation once it reaches the *House* floor. Those in support of the bill received positive news following the *Republican Caucus* briefing, as the swing vote to move the bill from *Committee*, *Representative Curt VanderWall* (R-Ludington), expressed his support for the legislation noting he has discussed the issue with constituents and agrees that alterations to the current system are necessary. *Mr. VanderWall* did express he would like to make some changes of his own to the proposal including: addressing concerns regarding emergency and ambulance services, ensuring that a proper fee schedule for hospitals is put into place, and ensuring elderly citizens receive the promised rate rollback.

Senate Majority Leader Arlan Meekhof (R-West Olive) has stated that the government price controls on a hospital fee schedule and state mandated rate reductions in premiums as issues with which he has concerns. The bill remains in the *House Committee* with no meeting set as of yet for next week.

COLBECK REMOVED FROM COMMITTEE & CAUCUS – *Senator Patrick Colbeck* (R-Canton Twp) was told via a letter he will no longer serve in the *Senate* as a member of the *Republican Caucus* on Wednesday, following a string of incidents during which *Senate* and *Caucus* rules were violated. *Mr. Colbeck*, who recently announced his campaign for *Governor* in 2018, has also been stripped of his committee assignments on the following *Senate Committees: Education, Elections and Government Reform, Judiciary, and Veterans, Military Affairs and Homeland Security*. According to press secretary for *Senate Majority Leader Arlan Meekhof* (R-West Olive) *Amber McCann*, the issue “is a caucus matter”.

Tensions have been rising between the gubernatorial candidate and his *Caucus* members as the *Senator* continues to campaign in other *Senate Districts*; as a professional courtesy, visiting members generally alert the sitting *Senator* of their intention to visit that district. Multiple instances have been

reported of *Senator Colbeck* failing to provide the courtesy, while also violating *Caucus* rules by speaking about other members publicly in a negative and degrading way to constituents of their, or his own, district. Commenting on whether the actions will affect his gubernatorial campaign, *Mr. Colbeck* stated, “That will be up to the voters.”

ORAL ANTI-CANCER MEDS/DENTAL THERAPY BILLS MOVE – Multiple bills affecting those in the insurance, dental and public health fields saw movement on Wednesday, with one headed to the *House* and one headed to the full *Senate*. Members of the *Senate* passed legislation allowing dental therapists to perform certain routine procedures currently handled by dentists on a 21-15 vote. The bill has been referred to the *House Health Policy Committee* for discussion. As passed, *Senate Bill 541* would permit dental therapists, under the supervision of a dentist, to practice in Michigan and perform routine procedures, i.e. filling cavities, in order to expand dental care throughout the state. The bill includes practice setting limitations and a prioritization of services for vulnerable populations, like the elderly and disabled as well as the uninsured.

Senator Mike Shirkey (R-Clarklake), sponsor of the bill, praised the passage and effort by his colleagues but noted the work was not done, saying, “We’ll have an uphill battle” in the *House*. Dentists oppose the legislation, claiming more oral health education and distributing dentists more efficiently throughout the state would be better solutions.

With the dental therapy discussion headed to the *House*, arguments on oral anti-cancer prescription medication coverage continued in the *Senate* via a *Senate Insurance Committee* hearing on Wednesday. Under *Senate Bill 492*, as sponsored by *Senator Goeff Hansen* (R-Hart), oral chemotherapy medications would be required to receive the same treatment in health care plans as intravenous medications. The bill would also set a \$100 cap on co-pays for a 30-day supply of the oral anti-cancer medication, following similar legislation already in place in 40 other states.

Multiple groups have shown support for the legislation, including the *Leukemia Lymphoma Society*, the *Michigan Nurses Association* and the *American Cancer Society*. Those in opposition include the *Michigan Chamber of Commerce*, the *Detroit Chamber of Commerce*, the *Michigan Association of Health Plans* and the *Michigan Manufacturers Association*. The bill was reported to the full *Senate* for consideration on a unanimous 8-0 vote from *Committee* members, with two members absent.

EXECUTIVE ORDER OUTLINES DEPARTMENT FUNCTIONS – *Governor Rick Snyder* issued *Executive Order 2017-7* recently in the hopes of lessening the potential for confusion over legalities regarding state departments and their respective functions. As outlined, the oversight of health occupations licensing will be moved from the *Michigan Department of Licensing and Regulatory Affairs (LARA)* to the *Michigan Department of Health and Human Service (DHHS)*; this movement is only for licensing of emergency personnel, however, not all health care providers. The order focuses mainly on moves from 2011 when the former *Michigan Department of Community Health* and *Michigan Department of Human Services* merged, blurring the lines of who oversees what functions.

Mr. Snyder also noted movements that are already in place, including: oversight of radioactive materials to the *Michigan Department of Environmental Quality (DEQ)* and oversight of migrant housing to the *Michigan Department of Agriculture and Rural Development (MDARD)*. *EO 2017-7* was signed on Thursday, October 5.

SMALL GROUP OF LLPs COULD PRACTICE WITHOUT TAKING EXAM – Some practicing psychology with a limited license in Michigan could continue to do so without taking the *Examination for Professional Practice in Psychology (EPPP)* under legislation passed by the *House* on

Wednesday. On a vote of 76-32, **House** members approved **House Bill 4549**, which calls for the allowance of **Limited License Psychologists (LLPs)** currently practicing and those who plan to practice to do so without being required to take the **EPPP**.

Following confusion over state regulations for the exam, **Representative Martin Howrylak** (R-Troy) introduced the bill in April of this year. Speaking to colleagues on Wednesday regarding consideration of passage, **Mr. Howrylak** stated, "Unless this bill is enacted, these hardworking and dedicated individuals who have been working in the mental health profession for six years or more will be unable to continue their important work."

The **House Fiscal Agency's** analysis of the bill also noted that **LLPs** often serve the state's "most vulnerable populations", including prisoners, parolees, and those in halfway houses or drug treatment programs. The analysis also notes that if the bill is not enacted, between 1,800 and 11,000 patients could be impacted, something those in support of the legislation claim would be "catastrophic".

For those in opposition to the legislation, taking the test like any other practicing psychologist is still necessary, though the group affected by the confusion of regulations should receive more time to prepare. Currently, those taking the **EPPP** have only one attempt at passage, over a three-month period.

The aforementioned confusion arose when students were told the test requirement did not apply to those graduating before June 30, 2010; the **Michigan Department of Licensing and Regulatory Affairs (LARA)** ruled however, the requirement went into effect in August of 2007. Temporary licenses were then issued to those affected, with those licenses set for expiration in two years. The bill will now move to the **Senate Health Policy** for consideration.

ELECTIONS

- **Elissa Slotkin, Democratic Congressional** candidate for the **8th House District**, reported late last week she has raised more than \$460,000 since announcing her campaign in early July
- **Senator Marty Knollenberg** (R-Troy) announced he will not run for the **11th U.S. House District**, instead planning to seek re-election to his current seat in the **13th Senate District**
- Former **Representative Jon Bumstead** has announced he will face current **Representative Holly Hughes** (R-White River Twp) in the race for **Senate District 34** next year, with the seat currently held by term-limited **Senator Goeff Hansen** (R-Hart)
- **Democrat and Congressional Candidate Haley Stevens** announced she has raised \$520,000 total for her campaign and has \$415,000 in cash on hand
- Former **Representative** and current **Plymouth Township Supervisor Kurt Heise** announced he will seek the **11th U.S. House District** seat in 2018 as a **Republican**
- **House Majority Floor Leader Dan Lauwers** (R-Brockway) announced he will be running for **Senate District 25** in 2018, with the seat currently held by term-limited **Senator Phil Pavlov** (R-Saint Clair)
- **Representative Gary Glenn** (R-Midland) has announced he will run for the **31st Senate District** next year, with the seat currently held by term-limited **Senator Mike Green** (R-Mayville)

ODDS & ENDS

- **Voters Not Politicians**, the group proposing a constitutional amendment to alter the state's redistricting system, has gathered 200,000 signatures to put the proposal on the 2018 ballot
- A deer found early last week in **Montcalm County** has been confirmed as having chronic wasting disease

- The *Michigan Department of Environmental Quality (DEQ)* posted its final plans for intended use for the [Drinking Water](#) and [State Revolving Funds](#)
- *House Speaker Tom Leonard* (R-DeWitt Twp), *Senate Majority Leader Arlan Meekhof* (R-West Olive), and *Governor Rick Snyder* are continuing discussions on bringing back the issue of other post-employment benefits this fall
- Under *House Bills 4335* and *4336*, as sponsored by *Representatives Dave Pagel* (R-Berrien Springs) and *Kim LaSata* (R-Bainbridge Twp) respectively and signed into law late last week, homeowners in Michigan that also own homes in other states and are caught claiming a principal residence exemption for both would be charged with a misdemeanor and fined \$500
- According to the *Michigan Department of Corrections (MDOC)*, Michigan's prison population at the end of *Fiscal Year 2017* was 39,975, making it the first time since 1993 the population has been below 40,000
- *House Republican Policy Office Director Liz Smalley* announced she will be leaving to pursue a career in the private sector, with staffer for *House Speaker Tom Leonard* (R-DeWitt Twp), *Scott Hummel*, set to take the position
- According to the *State Office of Highway Safety Planning*, 62 of the 310 motorists arrested recently during a drunk driving sting operation were charged under the high blood alcohol law, meaning their blood alcohol content (BAC) was at or above .17
- The 32nd annual state *Christmas* tree has been selected from *Stephenson* in *Menominee County* in the *Upper Peninsula* and is expected to arrive at the *Capitol* on October 28, with the official lighting to take place during the annual *Silver Bells in the City* celebration on November 17
- *Business Leaders for Michigan (BLM)* announced last week its [agenda](#) for its *6th Annual Michigan CEO Summit* on November 9 in Detroit
- *Governor Rick Snyder* has appointed former *CEO* of the *Michigan Economic Corporation (MEDC)* *Steve Arwood* to the *State Waterways Commission* to serve out a three-year term (set to expire September 18, 2020)
- *Erin McDonough*, *President* and *CEO* of the *Michigan Oil and Gas Association (MOGA)* has been reappointed by *Governor Rick Snyder* to the *Michigan Natural Resources Trust Fund Board*, with her term set to expire October 1, 2021
- *Duane Smith*, a retired police officer with the *Romulus Police Department*, has been named to replace *Thomas Zulch* (following *Mr. Zulch's* resignation) on the *Michigan Commission on Law Enforcement Standards (MCOLES)*, with the remainder of the term set to expire December 31 of this year
- *Special Prosecutor* in the *Flint Water Crisis* case for *Attorney General Bill Schuette*, *Todd Flood*, has announced the state's *Chief Medical Executive Dr. Eden Wells* will now face felony charges of involuntary manslaughter and misconduct in office in relation to the death of 85-year-old *Flint* resident *Robert Skidmore* who passed away during a *Legionnaire's Disease* outbreak caused by the contaminated *Flint River* water
- *Representative Gary Glenn* (R-Midland) announced he is hoping to schedule a hearing next month on the issue of concerns growing over the *Michigan Public Service Commission's (MPSC)* operations relating to recent energy contract cases being considered
- The *Michigan Department of Health and Human Services (DHHS)* announced on Monday the *Michigan Public Health Institute* and the *Institute for Healthcare Policy and Innovation* at the *University of Michigan* will serve as project facilitator and evaluator, respectively, for its *Section 298* initiative pilot programs coordinating physical and mental health *Medicaid* payments
- The *Michigan Department of Licensing and Regulatory Affairs (LARA)* announced it will be hosting a series of educational sessions on new medical marijuana regulations set to take place in November. The schedule can be viewed [here](#)
- According to the *Michigan Supreme Court*, over \$3 million was awarded to 24 different court systems in the state to finance "*Swift and Sure*" intense probation supervision programs for high-

risk felony offenders with histories of probation violations

- The **Michigan Department of Natural Resources (DNR)** announced recently opportunities for concessions operators at state marinas, parks and recreation areas around the state. The full list of available concession opportunities can be viewed [here](#)
- Multiple bills addressing the state's opioid epidemic were reported out of the **Senate Health Policy Committee** to the full **Senate** for a vote, including **House Bills 4408, 4170, 4171, 4173 and 4174**
- **Senate Bill 574** was reported out of the **Senate Education Committee** on a 4-0 vote on Tuesday, with the bill calling for the inclusion of charter schools in the list of schools available to receive funds from regional enhancement millages
- **Senator Bert Johnson's** (D-Highland Park) motion to dismiss a felony case against him involving the hiring of a "ghost employee" was dismissed by **U.S. District Court Judge Matthew Leitman**, with the trial set to begin March 12, 2018
- Members of the **House Judiciary Committee** unanimously reported **Senate Bill 524** to the full **House** on Tuesday, with the bill requiring the **Michigan Commission on Law Enforcement Standards (MCOLES)** to receive background checks on police academy applicants to ensure no felonious records are accepted
- **Aliyah Sabree** of **Detroit** will finish out the current term of **Judge Prentis Edwards, Jr.** in the **36th District Court**, following his resignation, but will need to run for election in 2018 in order to serve a full term
- **Senate Judiciary Committee** members unanimously reported **House Bill 4547 and 4548** to the full **Senate** on Tuesday, with the bills extending the sunset of the state's 0.08 blood alcohol content (BAC) level until October 1, 2023
- Legislation from both the **House** and **Senate (House Bills 5040-5046, 5079 and 5080; Senate Bills 609-615, 624 and 625)** calls for the repeal and forgiveness of **Driver Responsibility Fees** for more than 300,000 drivers in the state, with outstanding fees currently totaling \$637.1 million
- The **Michigan Court of Appeals** held a decision on Wednesday stating that if a county government dissolves its road commission, that government then assumes responsibilities (and county commissioners become "successors in interest") of the road commissioners
- The **Michigan Court of Appeals** held a decision recently allowing a 10.3 percent rate increase for **Consumers Energy** customers as authorized by the **Michigan Public Service Commission (MPSC)**
- Comments on draft rules for integrated resource plans as a part of the state's new energy laws are due to the **Michigan Public Service Commission (MPSC)** by 5:00 p.m. on Friday, October 27 and responses due by Thursday, November 9
- According to **DTE Energy**, the last of its power plants is set to be retired in 2040, therefore making the company coal free
- Members of the **House Education Reform Committee** discussed **House Joint Resolution M** on Thursday, with the resolution calling for the elimination of the **State Board of Education** and instead would allow the presiding governor to appoint the state superintendent
- The counties of **Wayne** and **Oakland** filed a lawsuit with the **U.S. District Court** against 12 separate pharmaceutical companies that manufacture opioids recently, claiming the companies engaged in deceptive marketing and sale of the drugs
- Former **Representative Mary Schroer** passed away earlier this month at the age of 70
- **Representative Tim Kelly** (R-Saginaw Twp) announced he could be confirmed by the **U.S. Senate** for his post as **Deputy Director** of the **U.S. Department of Education** as early as November or December
- According to a recent **Senate Fiscal Agency Report**, state revenue collections were \$77.6 million more than projected for September, with **School Aid Fund** revenues \$83.9 million above estimates and **General Aid Fund** revenues \$14.5 million below estimates
- The **Michigan Bureau of Elections** has presented **Representative Bettie Cook-Scott's** (D-Detroit) campaign finance reports to **Attorney General Bill Schuette's** office "for criminal review" after her

- campaign failed to file at least two reports from 2016
- The ***Bureau of Medical Marijuana Regulation*** released an advisory bulletin on Thursday describing a proposed process for medical marijuana applications: first step will be to have the applicant pre-qualified and the second will be to approve license qualification

IN MEMORIUM – **MHSA** would like to extend our condolences to the family and friends of our longtime friend ***Peter Pratt***, who passed away recently of pancreatic cancer. We will miss Peter's generous spirit, sense of humor, creativity, humility and amazing mind. Visitation services will be held Thursday, October 19 from 5:30 p.m. – 8:00 p.m. at the ***Gorsline Runciman Funeral Homes*** (1730 East Grand River Ave., East Lansing) and memorial services will be held Friday, October 20 at 3:00 p.m. at the same location.

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