



HOUSE OF REPRESENTATIVES

COMMITTEE ON HEALTH POLICY SUBCOMMITTEE ON BEHAVIORAL HEALTH
REP. FELICIA BRABEC
CHAIR

COMMITTEE MEETING MINUTES

Wednesday, June 7, 2023

3:27 PM

Room 519, House Office Building

The House Health Policy Subcommittee on Behavioral Health was called to order by Chair Brabec.

The Chair requested attendance be called:

Present: Reps. Brabec, Arbit, Pohutsky, Glanville, Edwards, MacDonell, Rheingans, Schmaltz, Hoadley, St. Germaine, Thompson.

Absent: None.

Excused: None.

Representative Edwards moved to adopt the meeting minutes from May 25, 2023. There being no objection, the motion prevailed by unanimous consent.

The Chair laid HB 4616 and HB 4617 before the committee:

HB 4616 (Rep. Brabec)

A bill to amend 1974 PA 258, entitled "Mental health code," (MCL 330.1001 to 330.2106) by adding section 901a.

HB 4617 (Rep. Hoskins)

A bill to amend 1974 PA 258, entitled "Mental health code," by amending section 100a (MCL 330.1100a), as amended by 2020 PA 402.

At 3:28 PM, the Chair laid the committee at ease.

At 3:29 PM, Majority Vice Chair Arbit called the committee back to order.

Chair Brabec, Representative Hoskins and Senator McMorrow testified together in support of HB 4616 and HB 4617.

At 3:46 PM, Majority Vice Chair Arbit laid the committee at ease.

At 3:47 PM, the Chair called the committee back to order.

Joy Wolfe Ensor, PhD., representing the Michigan Psychological Association, testified in support of HB 4616 and HB 4617.

Malina Brann, representing the National Association of Social Workers - Michigan, testified in support of HB 4616 and HB 4617.

Michele Millhouse, representing the Michigan Association of School Psychologists, testified in support of HB 4616 and HB 4617.

Gwen Stenbridge, representing The Trevor Project, testified in support of HB 4616 and HB 4617.

Gregory Baylor, representing the Alliance Defending Freedom, testified in opposition to HB 4616 and HB 4617. Questions and discussion followed.

Gabrielle Dresner, representing the ACLU of Michigan, testified in support of HB 4616 and HB 4617.

Jonathan Alexandre, representing the Liberty Counsel, testified in opposition to HB 4616 and HB 4617. Questions and discussion followed.

Doug Booth, representing the Grand Rapids LGBTQ Healthcare Consortium, testified in support of HB 4616 and HB 4617. Questions and discussion followed.

Dr. Laura Haynes, representing the International Federation for Therapeutic and Counseling Choice, testified in opposition to HB 4616 and HB 4617. Questions and discussion followed.

Mathew Shurka, representing the National Center for Lesbian Rights and Born Perfect, testified in support of HB 4616 and HB 4617. Questions and discussion followed.

Kate Dahlstrom, representing herself, testified in support of HB 4616 and HB 4617.

Erin Knott, representing Equality Michigan, testified in support of HB 4616 and HB 4617.

The following people submitted a card in support of HB 4616 and HB 4617, but did not wish to speak:

Julie Cassidy, representing the Michigan League for Public Policy.

Megan Blue, representing Corewell Health.

Michael Pyne, representing With One Voice, a Statewide Suicide Prevention Coalition of Coalitions.

Patricia Barton, representing the American Association for Marriage and Family Therapy.

Colin Ford, representing the Michigan Chapter - American Academy of Pediatrics.

Sean Sorenson Abbott, representing the Michigan Health & Hospital Association.

Kim Ross, representing Michigan Medicine.

Chardae Burton, representing the Michigan Department of Health and Human Services.

Dakota Torolski, representing the Human Rights Campaign.

Monica Martinez, representing the Michigan School of Psychology.

Terry Tchorzynski, representing the Michigan School Counselors Association.

Mitch Albers, representing the Michigan Department of Attorney General.

The following people submitted a card in opposition to HB 4616 and HB 4617, but did not wish to speak:

Stephanie Kreuz, representing Heritage Action.

Rebecca Mastee, representing the Michigan Catholic Conference.

Jeff Hewson, representing the Michigan Family Forum.

Representative Arbit moved to refer HB 4616 to the Committee on Health Policy. The motion prevailed 7-0-4:

FAVORABLE ROLL CALL

Yeas: Reps. Brabec, Arbit, Pohutsky, Glanville, Edwards, MacDonell, Rheingans.

Nays: None.

Pass: Reps. Schmaltz, Hoadley, St. Germaine, Thompson.

Representative Schmaltz offered the following amendments to HB 4617:

1. Amend page 6, line 1, after "**identity**" by inserting a period.
2. Amend page 6, line 1, after "**identity**" by striking out the balance of the line through "**gender.**" on line 4.
3. Amend page 6, line 5, by striking out the balance of the line through "**including**" on line 9.

Representative Schmaltz moved to adopt the amendments to HB 4617. The motion did not prevail 4-7-0:

UNFAVORABLE ROLL CALL

Yeas: Reps. Schmaltz, Hoadley, St. Germaine, Thompson.

Nays: Reps. Brabec, Arbit, Pohutsky, Glanville, Edwards, MacDonell, Rheingans.

Pass: None.

Representative Hoadley offered the following amendments to HB 4617:

1. Amend page 6, line 1, after "**including**" by striking out the balance of the line through "**gender.**" on line 4 and inserting "**assisting with or recommending a gender transition procedure.**".
2. Amend page 6, line 5, by striking out the balance of the line through "**including**" on line 9.
3. Amend page 9, following line 27, by inserting:
"Sec. 100b. (1) Except as otherwise provided in this subsection, "facility" means a residential facility for the care or treatment of individuals with serious mental illness, serious emotional disturbance, or developmental disability that is either a state facility or a licensed facility. Facility includes a preadmission screening unit established under section 409 that is operating a crisis stabilization unit.
(2) "Family" as used in sections 156 to 161 means an eligible minor and his or her parent or legal guardian.

(3) "Family member" means a parent, stepparent, spouse, sibling, child, or grandparent of a primary consumer, or an individual upon whom a primary consumer is dependent for at least 50% of his or her financial support.

(4) "Federal funds" means funds received from the federal government under a categorical grant or similar program and does not include federal funds received under a revenue sharing arrangement.

(5) "Functional impairment" means both of the following:

(a) With regard to serious emotional disturbance, substantial interference with or limitation of a minor's achievement or maintenance of 1 or more developmentally appropriate social, behavioral, cognitive, communicative, or adaptive skills.

(b) With regard to serious mental illness, substantial interference or limitation of role functioning in 1 or more major life activities including basic living skills such as eating, bathing, and dressing; instrumental living skills such as maintaining a household, managing money, getting around the community, and taking prescribed medication; and functioning in social, vocational, and educational contexts.

(6) "Gender transition procedure" means any procedure related to a gender transition, whether performed or administered by a physician or other licensed medical professional or any other person, where the procedure seeks to do any of the following:

(a) Alter or remove physical or anatomical characteristics or features that are typical of an individual's biological sex.

(b) Instill or create physiological or anatomical characteristics that resemble a sex different from an individual's biological sex, including, but not limited to, any of the following:

(i) The administration of puberty-blocking drugs, cross-sex hormones, or any other substances or like mechanisms used to promote the development of feminizing or masculinizing features in the opposite biological sex.

(ii) A genital or nongenital gender reassignment surgery.

(iii) The usage of any substances, whether or not those substances were obtained from or prescribed by a physician or other licensed medical professional, that cause the development of a child's biological sex to deviate from his or her biological sex at birth, alter the onset of puberty, or otherwise alter the typical hormonal ranges of a child from that of his or her biological sex.

(7) ~~(6)~~ "Guardian" means a person appointed by the court to exercise specific powers over an individual who is a minor, legally incapacitated, or developmentally disabled.

(8) ~~(7)~~ "Hospital" or "psychiatric hospital" means an inpatient program operated by the department for the treatment of individuals with serious mental illness or serious emotional disturbance or a psychiatric hospital or psychiatric unit licensed under section 137.

(9) ~~(8)~~ "Hospital director" means the chief administrative officer of a hospital or his or her designee.

(10) ~~(9)~~ "Hospitalization" or "hospitalize" means to provide treatment for an individual as an inpatient in a hospital.

(11) ~~(10)~~ "Incapacitated" means that an individual, as a result of the use of alcohol or other drugs, is unconscious or has his or her mental or physical functioning so impaired that he or she either poses an immediate and substantial danger to his or her own health and safety or is endangering the health and safety of the public.

(12) ~~(11)~~ "Individual plan of services" or "plan of services" means a written individual plan of services developed with a recipient as required by section 712.

(13) ~~(12)~~-"Individual representative" means a recipient's legal guardian, minor recipient's parent, or other person authorized by law to represent the recipient in decision-making related to the recipient's services and supports.

(14) ~~(13)~~-"Intellectual disability" means a condition manifesting before the age of 18 years that is characterized by significantly subaverage intellectual functioning and related limitations in 2 or more adaptive skills and that is diagnosed based on the following assumptions:

(a) Valid assessment considers cultural and linguistic diversity, as well as differences in communication and behavioral factors.

(b) The existence of limitation in adaptive skills occurs within the context of community environments typical of the individual's age peers and is indexed to the individual's particular needs for support.

(c) Specific adaptive skill limitations often coexist with strengths in other adaptive skills or other personal capabilities.

(d) With appropriate supports over a sustained period, the life functioning of the individual with an intellectual disability will generally improve.

(15)~~(14)~~-"Licensed facility" means a facility licensed by the department under section 137 or an adult foster care facility.

(16) ~~(15)~~-"Licensed psychologist" means a doctoral level psychologist licensed under section 18223(1) of the public health code, 1978 PA 368, MCL 333.18223.

(17) ~~(16)~~-"Mediation" means a confidential process in which a neutral third party facilitates communication between parties, assists in identifying issues, and helps explore solutions to promote a mutually acceptable resolution. A mediator does not have authoritative decision-making power.

(18)~~(17)~~-"Medicaid" means the program of medical assistance established under section 105 of the social welfare act, 1939 PA 280, MCL 400.105.

(19) ~~(18)~~-"Medical director" means a psychiatrist appointed under section 231 to advise the executive director of a community mental health services program.

(20) ~~(19)~~-"Mental health professional" means an individual who is trained and experienced in the area of mental illness or developmental disabilities and who is 1 of the following:

(a) A physician.

(b) A psychologist.

(c) A registered professional nurse licensed or otherwise authorized to engage in the practice of nursing under part 172 of the public health code, 1978 PA 368, MCL 333.17201 to 333.17242.

(d) A licensed master's social worker licensed or otherwise authorized to engage in the practice of social work at the master's level under part 185 of the public health code, 1978 PA 368, MCL 333.18501 to 333.18518.

(e) A licensed professional counselor licensed or otherwise authorized to engage in the practice of counseling under part 181 of the public health code, 1978 PA 368, MCL 333.18101 to 333.18117.

(f) A marriage and family therapist licensed or otherwise authorized to engage in the practice of marriage and family therapy under part 169 of the public health code, 1978 PA 368, MCL 333.16901 to 333.16915.

(21) ~~(20)~~-"Minor" means an individual under the age of 18 years.

(22) ~~(21)~~ "Multicultural services" means specialized mental health services for multicultural populations such as African-Americans, Hispanics, Native Americans, Asian and Pacific Islanders, and Arab/Chaldean-Americans.

(23) ~~(22)~~ "Neglect" means an act or failure to act committed by an employee or volunteer of the department, a community mental health services program, or a licensed hospital; a service provider under contract with the department, a community mental health services program, or a licensed hospital; or an employee or volunteer of a service provider under contract with the department, a community mental health services program, or a licensed hospital, that denies a recipient the standard of care or treatment to which he or she is entitled under this act."

Representative Hoadley moved to adopt the amendments to HB 4617. The motion did not prevail 4-7-0:

UNFAVORABLE ROLL CALL

Yeas: Reps. Schmaltz, Hoadley, St. Germaine, Thompson.

Nays: Reps. Brabec, Arbit, Pohutsky, Glanville, Edwards, MacDonell, Rheingans.

Pass: None.

Representative Pohutsky moved to refer HB 4617 to the Committee on Health Policy. The motion prevailed 7-0-4:

FAVORABLE ROLL CALL

Yeas: Reps. Brabec, Arbit, Pohutsky, Glanville, Edwards, MacDonell, Rheingans.

Nays: None.

Pass: Reps. Schmaltz, Hoadley, St. Germaine, Thompson.

There being no further business before the subcommittee, Chair Brabec adjourned the meeting at 5:00 PM.

Representative Felicia Brabec, Chair

Melissa Sweet
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