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Legislative and Social Policy Update NASW-Michigan Chapter



January 20, 2017

Social Workers Gather to Discuss Policy Priorities

On Friday, [January 13th](#) 2017 more than 50 social workers gathered via a webinar to discuss recently passed legislation and NASW-Michigan policy priorities for 2017. More "open" meetings like this are being planned, although all NASW meetings are technically open to membership.

Here is a brief summary of what was talked about, followed by the 2016 year-end report:

Reminder of Available Services:

- Reminder that NASW-Michigan is YOUR membership organization, with multiple ways to engage including committees and workgroups that can be found on the website under the "get involved" tab
- NASW-Michigan legislative staff are available as guest speaker, experts, and advocates on issues impacting your practice or your clients.
- NASW-Michigan offers professional services including ethics consultations, continuing education, CE tracking, career resources, and a legal defense fund.

2017 Priorities:

- Tracking 298 implementation – protecting and improving services for behavioral health, intellectual and developmental disabilities.
- Prepping for the 2018 election with voter registration, education – Governor, Lt. Governor, Attorney General, Sec. of State, Senator, Congress, State House, State Senate, Board of Ed, Boards of Regents, State Supreme and local courts, Local elections, Ballot initiatives expected.
- Joining the fight for non-partisan redistricting both through education of members and clients as well as financial and staff support for a ballot initiative.
- Protecting expanded Medicaid and ACA marketplace.
- Protecting the most vulnerable wherever and however we can by monitoring legislation and acting when necessary.
- Supporting reintroduction and passage of legislation below under the "hoping for reintroduction" section.
- Looking for NASW members in key districts (leadership and chairs of relevant committees) to meet with legislators to talk issues and raise awareness on issues (contact policy@nasw-michigan.org)

2016 Year-End Report

Section 298

The infamous “section 298” boilerplate section of the DHHS budget continues to be an issue for NASW, and will be throughout the rest of the current fiscal year. NASW continues to be engaged in the process of writing what the future section of boilerplate looks like, as well as dealing with its implementation. The Executive Budget presentation is set for the end of January or the very beginning of February, and immediately thereafter both the Executive and the Legislature release their drafts budget bills. Thus, NASW will have to track both the existing boilerplate’s implementation as well as the budget negotiations for the state and structure of that boilerplate for next fiscal year, starting in February and lasting until roughly June.

2016 Wrap-Up – Successful Passage

Mental Health

Kevin’s Law Revisions (supported in committee, co-signed letter w/advocates):

Kevin’s Law was initially passed more than a decade ago to allow family members and loved ones of sufferers of severe mental illness to petition a court to mandate assisted outpatient therapy for people who posed a danger to themselves or the public due to untreated mental health issues. Over the years, the law has been used very little, as it was unclear when and how it could be used. One of the major barriers was that the law could only be invoked AFTER someone had done harm. With the new changes, a family can begin the petition process far earlier as soon as a reasonable suspicion of potential harm is realized.

Criminal Justice Reform

HB 5273: Judicial Veto (supported in committee): Representative Dave Pagel’s (R – Berrien Springs) measure to limit the veto authority of successor judges passed the legislature and will soon be signed by the Governor! The bill will take effect 90 days after the Governor signs it. The law, when it is implemented, limits a successor judge to provide input and rationale to oppose a potential parolee’s public hearing, but cannot outright veto a public hearing before the parole board.

HB 5842 – 5846: Indigent Defense Commission Standards: This 5-bill package makes important changes to the MIDC, commensurate with the Supreme Court’s initial provisional approval of the MIDC’s first round of standards. The bills passed the legislature and are headed to the Governor’s desk for signature. A summary of the measures can be found [here](#).

Compensation for Wrongful Conviction (supported in committee): State Senator Steve Bieda (D – Warren) and State Representative Stephanie Chang (D – Detroit) introduced measures providing compensation for the wrongfully convicted (SB 291) and providing the same access to post-release social services to the wrongfully convicted as parolees currently get (HB 5815). The bills are on their way to the Governor’s desk, and given his Administration’s good work on helping the bills move, he is certain to sign them.

Human Trafficking Revisions (supported in committee): HB 5542, 43, and 44 (Reps Laura Cox, Gary Howell, and Nancy Jenkins, respectively), made a few modifications to the human trafficking laws passed a little more than four years ago. In essence, the laws allow for the expungement of prostitution-related offenses if it is proven that those offenses were the result of being illegally trafficked. Further, the measures establish a presumption that a person under 18 being prosecuted for a prostitution violation is instead being coerced into prosecution. These bills have passed the legislature and were signed by the Governor.

MIP Decriminalization (did not take a position): SB 332 (Senator Rick Jones, R – Grand Ledge) makes a 1st offense MIP a civil infraction, with subsequent infractions being misdemeanors. The bill was finally voted out of the House, and is on the way to the Governor’s desk for signature

Substance Abuse

Controlled Substance Medical Amnesty or “Good Samaritan” bills (wrote letters of support): HB 5649

and HB 5650, sponsored by Reps. Al Pscholka (R – Berrien Springs) and Sam Singh (D – East Lansing) respectively, exempt individuals of any age from charges of drug possession or drug use who seek medical assistance for themselves or another person for a drug overdose or perceived medical emergency. The bills passed through the legislature and were signed by the Governor in mid-October as PA 307 and 308 of 2016.

Opioid Antagonists in Schools (did not take a position): SB 805 and 806 (Senators Jim Ananich and Dale Zorn, respectively) allow for the prescription and dispensing of opioid antagonists in schools. Through the authority of a School Board, schools will allow school nurses and appropriately-trained staff to possess and dispense the antagonist. Additionally, the schools must develop a training to assure they comply with the MDE's medication administration guidelines. The bills should be signed by the Governor in the next few weeks

Schools

Zero Tolerance (wrote letters in support, members sent emails): HB 6618-5621 and 5693-5695, the “zero tolerance” legislation that brings long-sought flexibility to school-based zero-tolerance laws, have passed the legislature and are headed to the Governor for signature. The bills give factors or considerations a school should employ before suspending or expelling a student for violence, threats of violence, or weapons (with the exception being firearms, which are still a path leading directly to suspension/expulsion). The Governor is expected to sign the bills.

Restraint and Seclusion (supported in committee): Under a tight timeline, and despite some opposition from conservative lawmakers and private schools, the restraint and seclusion legislation passed the legislature in the waning hours of session this year. 5409-5417 are on their way to the Governor, who is expected to sign the measures into law. Only one bill went missing from the package: 5418, which applies these new laws to private schools. Excluding private schools certainly brought most of the rest of the conservatives (though far from all of them) on board with the bills. Private schools balked at complying with state regulations without also receiving money for doing so, bringing the argument full-circle regarding how private schools and state laws interact.

Passed with Concern

Permissible Sharing of Confidential Mental Health Information (offered amendment): Over the summer, Representative Mike Callton (R – Nashville) introduced HB 5782, which amends the Mental Health Code to allow otherwise confidential mental health information to be shared as necessary for the treatment, coordination of care, payment, or delivery of mental health services. Currently the holder of the confidential information may release it to mental health providers if there is a compelling need for disclosure based upon a substantial probability of harm to the recipient or other individuals. NASW opposed these bills on the grounds that there is no informed consent. The measure passed the legislature and will certainly be signed by the Governor before the end of the year.

Telehealth Services (working with advocates/DHHS to amend): Senator Peter MacGregor (R – Rockford) introduced and passed through the legislature SB 753, a measure that authorizes the use “telehealth.” Health professionals must first consult with a patient, but once the patient signs-off, the professional and patient can engage in long-distance clinical health care, including the prescription of drugs. Further, telehealth can not be limited beyond a patient's existing health insurance coverage. SB 753 should be signed into law in the next few weeks.

Happily Defeated

Voter Suppression (members sent over 1,000 emails): HB 6066 – 6068 (Representative Lisa Lyons, R – Alto) comprise Michigan's version of the “mandatory voter ID law” that has popped-up around the country, usually after big elections. Introduced in the name of preserving the integrity of the election process, the bills require a person to have photo ID in order to vote. Though the bill adds provisions to cast provisional ballots, the ballots still will not be counted if some acceptable form of ID is not produced within 10 days. The bills made it through the House, but not the Senate before time ran out.

Mandatory Joint Custody (opposed in committee): HB 4141 (Rep. Jim Runestad, R – White Lake) is that effort this session. The bill creates a “shared parenting act,” the most problematic part of the act being the automatic presumption that a court grants parents joint physical custody and substantially-

equal parenting time unless the parents *mutually agree* to a different arrangement. In other words, this is the opposite of how things work now. The bill was heard and opposed by a large number of groups, including the Michigan Coalition to End Domestic and Sexual Violence, NASW, and even Right to Life of Michigan. The bill was not voted out of committee, and did not make it out of the legislature before the end of session. The accompanying resolution, HR 327 – parental alienation syndrome – also failed to get a vote on the House floor before the end of session.

Bathroom Bill (co-signed a letter with advocates and supported LGBT guidelines at Board of Ed hearings): Right at the end of June, a bill was introduced (SB 993) requiring schools to require students to use the public restroom of their assigned sex at birth. The State Board of Education and others, including NASW, have been successful in holding the measure off through the end of the lame duck session.

Hoping for Immediate Reintroduction

Youth in Prison (wrote letters in support, sent emails, supported in committee): The much-anticipated Youth in Prison/Raise the Age bills stalled in the Senate Judiciary Committee this session, amidst strenuous opposition from law enforcement and local government. The legislature and the Executive agreed to study the costs associated with local government programming needs and best-practices, using the results of that study to relaunch this effort in the legislature part way through the 99th Legislature next session.

Though the bill package's champion – Rep. Harvey Santana, (D – Detroit) – is term-limited, he is succeeded by his wife, Representative-Elect Sylvia Santana, who will certainly play a role in the package's reintroduction next session.

Smart and Safe Parole (supported, members sent emails): HB 4138 unfortunately did not make it all the way through the legislative process this session, getting held-up in the Senate until the proverbial clock ran out. Organizations, like NASW, supporting “presumptive parole” have a commitment from Representative Pete Lucido (R – Shelby Twp), who is likely to Chair the House Criminal Justice Committee next session, to reintroduce the measure early in 2017.

Trauma Recovery Centers (supported): After a few months of working with two returning lawmakers – Representatives Martin Howrylak (R – Troy) and Bob Kosowski (D – Westland) – HB 6101-6107 were introduced this session. They were too late to receive any hearings before the legislature this session, but the point was to get them reintroduced earlier next session. Proponents are working with crime survivors groups, CMHs, and the MDHHS over the winter to perfect the bills and hopefully establish TRCs as a pilot project in 2017. The proposals have a great group of bipartisan sponsors: Representatives Martin Howrylak, Bob Kosowski, Hank Vaupel (R – Handy Twp), Frank Liberati (D – Allen Park), Klint Kesto (R – Commerce Twp, and likely Chair of the House Judiciary Committee), Harvey Santana (though the bill will be introduced by Rep-Elect Sylvia Santana next session), and Pete Lucido.

Deaf, Hard of Hearing, Deaf Blind: Last year NASW-Michigan supported a package of legislation that removed offensive language from statute such as “Deaf and Dumb” which is obviously offensive to not only the Deaf community. This legislation was a primer for more impactful legislation that would create higher standards in education for the DHHDB population. In addition, NASW-Michigan sponsored a bill package that would create a special office in the Michigan Department of Health and Human Services that focuses specifically on the behavioral health needs and services for this population. While the bills were introduced they did not get passed. We are expecting early introduction this year.

Report was written in collaboration with:

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