



Senate Fiscal Agency
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BILL ANALYSIS



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House Bill 5818 (Substitute S-1 as reported by the Committee of the Whole)

House Bill 5819 (Substitute S-1 as reported by the Committee of the Whole)

House Bill 5820 (as reported by the Committee of the Whole)

Sponsor: Representative Vanessa Guerra (H.B. 5818)

Representative Klint Kesto (H.B. 5819 & 5820)

House Committee: Health Policy

Senate Committee: Health Policy

CONTENT

House Bill 5818 (S-1) would amend the Estates and Protected Individuals Code to do the following:

- Allow the guardian of an incapacitated individual to give consent or approval for a ward to receive mental health treatment.
- Allow a guardian to execute, reaffirm, and revoke a nonopiod directive form on behalf of a ward.
- Prohibit a guardian from providing consent to or approval for inpatient hospitalization without a court order expressly granting the power.
- Prescribe the procedure a guardian would have to follow if a ward refused mental health treatment.
- Require a guardian to report any mental health treatment received by a ward and whether the guardian had executed, reaffirmed, or revoked a nonopiod directive form on behalf of the ward during the past year.

House Bill 5819 (S-1) would amend the Mental Health Code to do the following:

- Refer to written consent to mental health treatment or written consent with a mental health facility, instead of application.
- Require that a patient's right to object to mental health treatment be orally communicated to the patient and the person who executed written consent.
- Refer to mental health treatment, instead of hospitalization.
- Refer to assisted outpatient treatment, instead of alternative treatment.
- Revise certain definitions including "assisted outpatient treatment", "consent", "emergency situation", and "involuntary mental health treatment".

House Bill 5820 would amend the Mental Health Code to do the following:

- Refer to "treatment", instead of "judicial admission", and specify the definition of "treatment".
- Revise the criteria under which a court could order appropriate outpatient treatment or admission into an appropriate treatment facility if he or she had been diagnosed with a mental disability.
- Require a facility to notify the prosecuting attorney if an individual with an intellectual disability who was admitted to a facility by court order because of previous arrest and charge related to the disability were discharged.

House Bills 5818 and 5819 are tie-barred. House Bill 5818 (S-1) also is tie-barred to House Bill 5152. (House Bill 5152 would amend the Public Health Code to require the Department of Health and Human Services to develop a nonopioid directive form to indicate that an individual who executed the form or had a form executed on his or her behalf could not be administered or offered a prescription for an opioid.)

MCL 700.5314 (H.B. 5818)
330.1100a et al. (H.B. 5819)
330.1500 et al. (H.B. 5820)

Legislative Analyst: Tyler VanHuyse

FISCAL IMPACT

The bills would have no fiscal impact on State or local government.

Date Completed: 12-18-18

Fiscal Analyst: Ellyn Ackerman