

HOUSE BILL NO. 4385

March 14, 2019, Introduced by Rep. Vaupel and referred to the Committee on Health Policy.

A bill to amend 1974 PA 258, entitled
"Mental health code,"
by amending section 788 (MCL 330.1788), as added by 1995 PA 290.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 788. (1) ~~At any time after the office completes the~~
2 ~~investigative report, the parties may agree to mediate the dispute.~~
3 **After a recipient or applicant, or another individual on behalf of**
4 **a recipient or applicant, files a rights complaint with the office,**
5 **the complainant must be offered the opportunity to mediate the**
6 **dispute. The subject of the complaint is required to participate in**



1 **mediation if mediation is selected.** A mediator shall be jointly
2 selected to facilitate a mutually acceptable settlement between the
3 parties. The mediator ~~shall~~**must** be an individual who has received
4 training in mediation and who is not involved in any manner with
5 the dispute or with ~~the provision of~~**providing** services to the
6 recipient.

7 (2) If the parties ~~agree to mediation and reach agreement~~
8 through the mediation process, the mediator shall prepare a report
9 summarizing the agreement, ~~which shall and that report must~~ be
10 signed by the parties. The signed agreement ~~shall be~~**is** binding on
11 both parties. Notice that an agreement has been reached shall be
12 sent to the office.

13 (3) If the parties fail to reach agreement through the
14 mediation process, the mediator shall document that fact in writing
15 and provide a copy of the documentation to both parties and the
16 office within 10 days after the end of the mediation process.

17 (4) If the parties engage in mediation, all appeal and
18 response times required under this chapter **or federal law** are
19 suspended during the period of time the mediation process is taking
20 place. The suspension of time periods begins on the day the parties
21 agree to mediate and expires 5 days after the day the mediator
22 provides the written documentation to the parties and the office
23 that mediation was not successful.

24 Enacting section 1. This amendatory act takes effect 90 days
25 after the date it is enacted into law.

