

HOUSE BILL No. 4847

May 28, 1997, Introduced by Reps. Profit, Price and Baird and referred to the Committee on Mental Health.

A bill to amend 1974 PA 258, entitled "Mental health code," by amending section 153 (MCL 330.1153), as amended by 1995 PA 290.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 153. (1) Subject to section 114a, the department shall
2 promulgate rules for the placement of adults who have serious
3 mental illness or developmental disability into community based
4 dependent living settings by department agencies, BY community
5 mental health services programs, and by agencies under contract
6 to the department or to a community mental health services
7 program. The rules shall include, but not be limited to, the
8 criteria to be used to determine a suitable placement, ~~and~~ the
9 specific agencies responsible for making decisions regarding a
10 placement, AND PROVISIONS CONSISTENT WITH FEDERAL FAIR HOUSING

1 LAW AND REGULATIONS THAT ENSURE THAT PLACEMENT UNDER THIS SECTION
2 DOES NOT PERPETUATE OR TEND TO PERPETUATE SEGREGATED HOUSING
3 PATTERNS.

4 (2) Subject to section 114a, the department shall promulgate
5 rules for the certification of specialized programs offered in an
6 adult foster care facility to individuals with serious mental
7 illness or developmental disability. The rules shall provide for
8 an administrative appeal to the department of a denial or limita-
9 tion of the terms of certification under chapter 4 of the admin-
10 istrative procedures act of 1969, ~~Act No. 306 of the Public Acts~~
11 ~~of 1969, being sections 24.271 to 24.287 of the Michigan Compiled~~
12 ~~Laws~~ 1969 PA 306, MCL 24.271 TO 24.287.

13 (3) Upon receipt of a request from an adult foster care
14 facility for certification of a specialized program, the depart-
15 ment shall inspect the facility to determine whether the proposed
16 specialized program conforms with the requirements of this sec-
17 tion and rules promulgated under this section. The department
18 shall provide the department of ~~social~~ CONSUMER AND INDUSTRY
19 services with an inspection report and a certification, denial of
20 certification, revocation, or certification with limited terms
21 for the proposed specialized program. The department shall rein-
22 spect a certified specialized program not less than once bienni-
23 ally and notify the department of ~~social~~ CONSUMER AND INDUSTRY
24 services in the same manner as for the initial certification. In
25 carrying out this subsection, the department may contract with a
26 community mental health services program or any other agency.

1 (4) This section does not prevent licensure of an adult
2 foster care facility or the placement of individuals with serious
3 mental illness or developmental disability into community based
4 dependent living settings pending the promulgation by the depart-
5 ment of rules under subsection (1) or (2).