

HOUSE BILL No. 6223

November 5, 1998, Introduced by Reps. Hammerstrom, Raczkowski, Voorhees, Jellema, Birkholz, Sanborn, McBryde, Bodem and Richner and referred to the Committee on Mental Health.

A bill to amend 1974 PA 258, entitled
"Mental health code,"
by amending section 700 (MCL 330.1700), as amended by 1995
PA 290, and by adding section 713a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 700. As used in this chapter, unless the context
2 requires otherwise:
3 (a) "Criminal abuse" means 1 or more of the following:
4 (i) An assault that is a violation or an attempt or conspir-
5 acy to commit a violation of sections 81 to 90 of the Michigan
6 penal code, ~~Act No. 328 of the Public Acts of 1931, being sec-~~
7 ~~tions 750.81 to 750.90 of the Michigan Compiled Laws 1931~~
8 PA 328, MCL 750.81 TO 750.90. Criminal abuse does not include an
9 assault or an assault and battery that is a violation of section
10 81 of ~~Act No. 328 of the Public Acts of 1939, being section~~

1 ~~750.81 of the Michigan Compiled Laws~~ THE MICHIGAN PENAL CODE,
2 1931 PA 328, MCL 750.81, and that is committed by a recipient
3 against another recipient.

4 (ii) A criminal homicide that is a violation or an attempt
5 or conspiracy to commit a violation of section 316, 317, or 321
6 of ~~Act No. 328 of the Public Acts of 1931, being sections~~
7 ~~750.316, 750.317, and 750.321 of the Michigan Compiled Laws~~ THE
8 MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.316, 750.317, AND
9 750.321.

10 (iii) Criminal sexual conduct that is a violation or an
11 attempt or conspiracy to commit a violation of sections 520b to
12 520e or 520g of ~~Act No. 328 of the Public Acts of 1931, being~~
13 ~~sections 750.520b to 750.520e and 750.520g of the Michigan~~
14 ~~Compiled Laws~~ THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.520B
15 TO 750.520E AND 750.520G.

16 (iv) Vulnerable adult abuse that is a violation or an
17 attempt or conspiracy to commit a violation of section 145n of
18 the Michigan penal code, ~~Act No. 328 of the Public Acts of 1931,~~
19 ~~being section 750.145n of the Michigan Compiled Laws~~ 1931
20 PA 328, MCL 750.145N.

21 (v) Child abuse that is a violation or an attempt or con-
22 spiracy to commit a violation of section 136b of ~~Act No. 328 of~~
23 ~~the Public Acts of 1931, being section 750.136b of the Michigan~~
24 ~~Compiled Laws~~ THE MICHIGAN PENAL CODE, 1931 PA 328,
25 MCL 750.136B.

26 (B) "FAMILY-CENTERED PRACTICE AND SERVICE DELIVERY" MEANS
27 SERVICE DELIVERY, ACROSS DISCIPLINES AND SETTINGS, THAT

1 RECOGNIZES THE CENTRALITY OF THE FAMILY IN A MINOR'S LIFE. IN
2 THE CASE OF MINORS, FAMILY-CENTERED PRACTICE AND SERVICE DELIVERY
3 IS GUIDED BY FULLY INFORMED CHOICES MADE BY THE FAMILY AND
4 FOCUSES ON THE CHILD'S AND HIS OR HER FAMILY'S STRENGTHS AND
5 CAPABILITIES.

6 (C) ~~-(b)-~~ "Health care corporation" means a nonprofit health
7 care corporation operating under the nonprofit health care corpo-
8 ration reform act, ~~Act No. 350 of the Public Acts of 1980, being~~
9 ~~sections 550.1101 to 550.1704 of the Michigan Compiled Laws~~ 1980
10 PA 350, MCL 550.1101 TO 550.1704.

11 (D) ~~-(c)-~~ "Health care insurer" means an insurer authorized
12 to provide health insurance in this state or a legal entity that
13 is self-insured and provides health care benefits to its
14 employees.

15 (E) ~~-(d)-~~ "Health maintenance organization" means ~~an~~ A
16 HEALTH MAINTENANCE organization licensed under ~~part 210-~~
17 ARTICLE 17 of the public health code, ~~Act No. 368 of the Public~~
18 ~~Acts of 1978, being sections 333.21001 to 333.21098 of the~~
19 ~~Michigan Compiled Laws~~ 1978 PA 368, MCL 333.20101 TO 333.22260.

20 (F) ~~-(e)-~~ "Money" means any legal tender, note, draft, cer-
21 tificate of deposit, stock, bond, check, or credit card.

22 (G) ~~-(f)-~~ "Nonprofit dental care corporation" means a dental
23 care corporation incorporated under ~~Act No. 125 of the Public~~
24 ~~Acts of 1963, being sections 550.351 to 550.373 of the Michigan~~
25 ~~Compiled Laws~~ 1963 PA 125, MCL 550.351 TO 550.373.

26 (H) ~~-(g)-~~ "Person-centered planning" means a process for
27 planning and supporting the individual receiving services that

1 builds upon the individual's capacity to engage in activities
2 that promote community life and that honors the individual's
3 preferences, choices, and abilities. The person-centered plan-
4 ning process involves families, friends, and professionals as the
5 individual desires or requires.

6 (I) ~~-(h)-~~ "Privileged communication" means a communication
7 made to a psychiatrist or psychologist in connection with the
8 examination, diagnosis, or treatment of a patient, or to another
9 person while the other person is participating in the examina-
10 tion, diagnosis, or treatment or a communication made privileged
11 under other applicable state or federal law.

12 (J) ~~-(i)-~~ "Restraint" means the use of a physical device to
13 restrict an individual's movement. Restraint does not include
14 the use of a device primarily intended to provide anatomical
15 support.

16 (K) ~~-(j)-~~ "Seclusion" means the temporary placement of a
17 recipient in a room ~~—~~ alone, where egress BY ANY MEANS is
18 prevented. ~~by any means.~~

19 (l) ~~-(k)-~~ "Support plan" means a written plan that specifies
20 the personal support services or any other supports that are to
21 be developed with and provided for a recipient.

22 (M) ~~-(i)-~~ "Treatment plan" means a written plan that speci-
23 fies the goal-oriented treatment or training services, including
24 rehabilitation or habilitation services, that are to be developed
25 with and provided for a recipient.

26 SEC. 713A. (1) FAMILY-CENTERED PRACTICE AND SERVICE
27 DELIVERY SHALL CONCENTRATE ON THE MINOR AS A MEMBER OF A FAMILY,

1 AND THE WANTS AND NEEDS OF THE FAMILY MUST BE INTEGRAL TO ANY
2 PLAN DEVELOPED FOR THE MINOR. PARENTS AND SIGNIFICANT FAMILY
3 MEMBERS OF MINORS SHALL BE INCLUDED IN THE FAMILY-CENTERED PLAN-
4 NING PROCESS FOR MINORS UNLESS 1 OF THE FOLLOWING APPLIES:

5 (A) THE MINOR IS 14 YEARS OF AGE OR OLDER AND HAS REQUESTED
6 SERVICES PROVIDED UNDER THIS ACT WITHOUT THE KNOWLEDGE OR CONSENT
7 OF A PARENT, GUARDIAN, OR PERSON ACTING IN LOCO PARENTIS WITHIN
8 THE PROVISIONS OF THIS ACT.

9 (B) THE MINOR IS EMANCIPATED UNDER SECTION 4 OF 1968 PA 293,
10 MCL 722.4.

11 (C) THE INCLUSION OF PARENTS OR SIGNIFICANT FAMILY MEMBERS
12 WOULD CONSTITUTE A SUBSTANTIAL RISK OF PHYSICAL OR EMOTIONAL HARM
13 TO THE MINOR OR SUBSTANTIAL DISRUPTION OF THE PLANNING PROCESS AS
14 STATED IN THIS ACT.

15 (2) IF A PARENT OR SIGNIFICANT FAMILY MEMBER IS NOT INCLUDED
16 IN THE FAMILY-CENTERED PLANNING PROCESS FOR THE MINOR, THE PHYSI-
17 CIAN OR MENTAL HEALTH PROFESSIONAL SHALL DOCUMENT THE REASON FOR
18 THE EXCLUSION IN THE MINOR'S CLINICAL RECORD.