



# HOUSE BILL No. 5487

March 8, 2000, Introduced by Rep. Minore and referred to the Committee on Family and Civil Law.

A bill to amend 1974 PA 258, entitled "Mental health code," by amending sections 498h and 498j (MCL 330.1498h and 330.1498j), section 498h as amended by 1996 PA 588 and section 498j as added by 1984 PA 186.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 498h. (1) A MINOR'S parent, guardian, or person in  
2 loco parentis may request emergency admission of ~~a~~ THE minor to  
3 a hospital, if the person making the request has reason to  
4 believe that the minor is a minor requiring treatment and that  
5 the minor presents a serious danger to self or others.

6       (2) If the hospital to which the request for emergency  
7 admission is made is not under contract to the community mental  
8 health services program, the request for emergency  
9 hospitalization shall be made directly to the hospital. If the

1 hospital director agrees that the minor needs emergency  
2 admission, the minor shall be hospitalized. If the hospital  
3 director does not agree, the person making the request may  
4 request hospitalization of the minor under section 498d.

5 (3) If the hospital to which the request for emergency  
6 admission is made is under contract to the community mental  
7 health services program, the request shall be made to the pread-  
8 mission screening unit of the community mental health services  
9 program serving in the county where the minor resides. If the  
10 community mental health services program has a children's diag-  
11 nostic and treatment service, the preadmission screening unit  
12 shall refer the person making the request to that service. In  
13 counties where there is no children's diagnostic and treatment  
14 service, the preadmission screening unit shall refer the person  
15 making the request to the appropriate hospital. If it is deter-  
16 mined that emergency admission is not necessary, the person may  
17 request hospitalization of the minor under section 498d. If it  
18 is determined that emergency admission is necessary, the minor  
19 shall be hospitalized or placed in an appropriate alternative  
20 program.

21 (4) If a minor is assessed by the preadmission screening  
22 unit and found not to be clinically suitable for hospitalization,  
23 the preadmission screening unit shall inform the individual or  
24 individuals requesting hospitalization of the minor of appropri-  
25 ate available alternative services to which a referral should be  
26 made and of the process for a request of a second opinion under  
27 subsection (5).

1           (5) If the preadmission screening unit of the community  
2 mental health services program denies hospitalization, ~~the~~ A  
3 MINOR'S parent or guardian ~~of the minor~~ may request a second  
4 opinion from the executive director. The executive director  
5 shall arrange for an additional evaluation by a psychiatrist,  
6 other physician, or licensed psychologist to be performed within  
7 3 days, excluding Sundays and legal holidays, after the executive  
8 director receives the request. If the conclusion of the second  
9 opinion is different from the conclusion of the preadmission  
10 screening unit, the executive director, in conjunction with the  
11 medical director, shall make a decision based on all clinical  
12 information available. The executive director's decision shall  
13 be confirmed in writing to the individual who requested the  
14 second opinion, and the confirming document shall include the  
15 signatures of the executive director and medical director or ver-  
16 ification that the decision was made in conjunction with the med-  
17 ical director.

18           (6) If a person in loco parentis makes a request for emer-  
19 gency admission and the minor is admitted to a hospital under  
20 this section, the hospital director or the executive director of  
21 the community mental health services program immediately shall  
22 notify the MINOR'S parent or parents or ~~the~~ guardian. ~~of the~~  
23 ~~minor.~~

24           (7) If a minor is hospitalized in a hospital that is oper-  
25 ated under contract with a community mental health services pro-  
26 gram, the hospital director shall notify the appropriate

1 executive director within 24 hours after the hospitalization  
2 occurs.

3 (8) If a peace officer, as a result of personal observation,  
4 has reasonable grounds to believe that a minor is a minor requir-  
5 ing treatment and that the minor presents a serious danger to  
6 self or others and if after a reasonable effort to locate the  
7 minor's parent, guardian, or person in loco parentis, the minor's  
8 parent, guardian, or person in loco parentis cannot be located,  
9 the peace officer may take the minor into protective custody and  
10 transport the minor to the appropriate community mental health  
11 preadmission screening unit, if the community mental health serv-  
12 ices program has a children's diagnostic and treatment service,  
13 or to a hospital if it does not have a children's diagnostic and  
14 treatment service. After transporting the minor, the peace offi-  
15 cer shall execute a written request for emergency hospitalization  
16 of the minor stating the reasons, based upon personal observa-  
17 tion, that the peace officer believes that emergency hospitaliza-  
18 tion is necessary. The written request shall include a statement  
19 that a reasonable effort was made by the peace officer to locate  
20 the minor's parent, guardian, or person in loco parentis. If it  
21 is determined that emergency hospitalization of the minor is not  
22 necessary, the minor shall be returned to his or her parent,  
23 guardian, or person in loco parentis if an additional attempt to  
24 locate the parent, guardian, or person in loco parentis is  
25 successful. If the minor's parent, guardian, or person in loco  
26 parentis cannot be located, the minor shall be turned over to the  
27 protective services program of the family independence agency.

1 If it is determined that emergency admission of the minor is  
2 necessary, the minor shall be admitted to the appropriate hospi-  
3 tal or to an appropriate alternative program. The executive  
4 director immediately shall notify the MINOR'S parent, guardian,  
5 or person in loco parentis. If the hospital is under contract  
6 with the community mental health services program, the hospital  
7 director shall notify the appropriate executive director within  
8 24 hours after the hospitalization occurs.

9 (9) An evaluation of a minor admitted to a hospital under  
10 this section shall begin immediately after the minor is  
11 admitted. The evaluation shall be conducted in the same manner  
12 as provided in section 498e. If the minor is not found to be  
13 suitable for hospitalization, the minor shall be released into  
14 the custody of his or her parent, guardian, or person in loco  
15 parentis, and the minor shall be referred to the executive direc-  
16 tor who shall determine if the minor needs mental health  
17 services. If it is determined that the minor needs mental health  
18 services, the executive director shall offer an appropriate  
19 treatment program for the minor, if the program is available, or  
20 refer the minor to another agency for services.

21 (10) A hospital director shall proceed under either the  
22 ~~revised probate code, Act No. 642 of the Public Acts of 1978,~~  
23 ~~being sections 700.1 to 700.993 of the Michigan Compiled Laws, or~~  
24 ~~chapter XIIA of Act No. 288 of the Public Acts of 1939, being~~  
25 ~~sections 712A.1 to 712A.32 of the Michigan Compiled Laws~~ ESTATES  
26 AND PROTECTED INDIVIDUALS CODE, 1998 PA 386, MCL 700.1101 TO  
27 700.8102, OR CHAPTER XIIA OF THE PROBATE CODE OF 1939, 1939 PA

1 288, MCL 712A.1 TO 712A.32, as warranted by the situation and the  
2 best interests of the minor, under any of the following  
3 circumstances:

4 (a) The hospital director cannot locate a parent, guardian,  
5 or person in loco parentis of a minor admitted to a hospital  
6 under subsection (8).

7 (b) The hospital director cannot locate the parent or guard-  
8 ian of a minor admitted to a hospital by a person in loco paren-  
9 tis under this section.

10 Sec. 498j. ~~The~~ A HOSPITAL SHALL REQUEST A parent or  
11 guardian of a minor admitted to a hospital under this chapter  
12 ~~shall be requested by the hospital~~ to give written consent ~~to~~  
13 ~~the~~ FOR THE MINOR'S treatment ~~of the minor~~ and for the release  
14 of information from agencies or individuals involved in treating  
15 the minor ~~prior to~~ BEFORE THE hospitalization considered neces-  
16 sary by the hospital for THE MINOR'S treatment. ~~of the minor.~~  
17 ~~If consent to treatment cannot be obtained~~ THE HOSPITAL CANNOT  
18 OBTAIN CONSENT FOR TREATMENT, the director of the hospital may  
19 proceed under either the ~~revised probate code, Act No. 642 of~~  
20 ~~the Public Acts of 1978, being sections 700.1 to 700.933 of the~~  
21 ~~Michigan Compiled Laws, or chapter XIIA of Act No. 288 of the~~  
22 ~~Public Acts of 1939, being sections 712A.1 to 712A.28 of the~~  
23 ~~Michigan Compiled Laws~~ ESTATES AND PROTECTED INDIVIDUALS CODE,  
24 1998 PA 386, MCL 700.1101 TO 700.8102, OR CHAPTER XIIA OF THE  
25 PROBATE CODE OF 1939, 1939 PA 288, MCL 712A.1 TO 712A.32, as war-  
26 ranted by the situation and the best interests of the minor.

1 Enacting section 1. This amendatory act takes effect  
2 April 1, 2000.