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## EMERGENCY MENTAL HEALTH SERVICES FOR MINOR CHILDREN

House Bill 4167  
Sponsor: Rep. Virg Bernero  
Committee: Health Policy

Complete to 2-13-01

### A SUMMARY OF HOUSE BILL 4167 AS INTRODUCED 2-08-01

Section 208 of the Mental Health Code requires that the services provided by a Community Mental Health Services Program (CMHSP) be directed to people who have a serious mental illness, serious emotional disturbance, or developmental disability. The code also allows CMHSP services to be directed to people who have other mental disorders that meet current psychiatric criteria, as well as to the prevention of mental disability and the promotion of mental health. The code requires that priority be given to providing services to people with the most severe forms of serious mental illness, serious emotional disturbance, and developmental disability, as well as to such people “in urgent or emergency situations.” (See below.)

The bill would add a new section to the Mental Health Code to allow school districts to determine that a minor was in an “urgent or emergency situation” for the purpose of making a “priority referral” for CMHSP services under the code. When a CMHSP received a minor referred under the bill’s provisions, it would be required to evaluate the minor and recommend a plan of services to be provided by the CMHSP, the school district, or both.

If the referring school district and the minor’s parents agreed with the recommended plan of services, the services would be provided according to the plan recommendation (that is, by either the CMHSP, the school district, or both). If the plan recommendation called for only the CMHSP to provide services, the referring school district could not be charged for the provision of these services.

If the referring school district or the minor’s parents believed that the recommended plan of services were inappropriate or inadequate, all three parties involved would work together to develop a coordinated plan of services that was acceptable to all three parties (that is, the CMHSP, the school district, and the parents).

If the CMHSP recommended that the minor did not need services or if the three parties involved were unable to agree on a coordinated plan of services, the referring school district or the minor’s parent or guardian could petition the court for an emergency hearing to determine whether the minor met the criteria in the Mental Health Code for an individual requiring services under section 208 of the code, and the court would be required to make the determination. In doing so, the court could consider information presented by a parent or guardian, the referring school district, and the CMHSP, and, at its discretion, also could consider information provided from an independent evaluation by an expert chosen by the court.

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If the court determined that the minor did meet the criteria of an individual requiring services under the Mental Health Code section 208, the court would have to order the referring school district and the CMHSP to cooperate with the minor's parent or guardian to develop a coordinated plan of services for the minor. If the plan of services required a CMHSP to provide mental health services, those services would be paid for according to Chapter 8 ("Financial liability for mental health services") of the Mental Health Code.

Emergency situations. The code defines an "emergency situation" to mean a situation in which someone is experiencing a serious mental illness or a developmental disability, or a child is experiencing a serious emotional disturbance and the situation has the potential to result in harm to the individual or someone else. More specifically, the code lists one of three circumstances involving potential harm to the individual or someone else:

- (1) The individual can reasonably be expected, in the near future, to physically injure himself or herself or another person, either intentionally or unintentionally;
- (2) The individual is unable to provide himself or herself with food, clothing, or shelter, or to attend to basic physical activities such as eating, toileting, bathing, grooming, dressing, or walking, and this inability may lead in the near future to harm to him or her or to someone else; or
- (3) The individual's judgment is so impaired that he or she is unable to understand the need for treatment and, in the opinion of the mental health professional, the individual's continued behavior (as a result of his or her serious mental illness, developmental disability, or emotional disturbance) can reasonably be expected, in the near future, to result in physical harm to the individual or someone else.

The bill would amend the definition of "emergency situation" -- under which people are given priority access to CMHSP services -- to strike the word "child" from the definition and instead substitute the word "minor," and to add a fourth circumstance to the list of circumstances listed in the definition as constituting an emergency situation. The additional language would specify that the minor displayed behavior that suggested he or she had an impairment involving personality development, individual adjustment, social adjustment, or emotional growth that could be treated through services provided under the Mental Health Code.

MCL 330.1100a and 330.1208a

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.