

HOUSE BILL No. 4862

July 27, 2011, Introduced by Reps. Poleski, Agema, Pscholka, Bumstead and Shirkey and referred to the Committee on Health Policy.

A bill to amend 1974 PA 258, entitled "Mental health code," by amending sections 100b, 206, and 208 (MCL 330.1100b, 330.1206, and 330.1208), section 100b as amended by 2004 PA 499 and sections 206 and 208 as amended by 1995 PA 290; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 100b. (1) "Facility" means a residential facility for the
2 care or treatment of individuals with serious mental illness,
3 serious emotional disturbance, or developmental disability that is
4 either a state facility or a licensed facility.

5 (2) "Family" as used in sections 156 to 161 means an eligible
6 minor and his or her parent or legal guardian.

7 (3) "Family member" means a parent, stepparent, spouse,

1 sibling, child, or grandparent of a primary consumer, or an
2 individual upon whom a primary consumer is dependent for at least
3 50% of his or her financial support.

4 (4) "Federal funds" means funds received from the federal
5 government under a categorical grant or similar program and does
6 not include federal funds received under a revenue sharing
7 arrangement.

8 (5) "Functional impairment" means both of the following:

9 (a) With regard to serious emotional disturbance, substantial
10 interference with or limitation of a minor's achievement or
11 maintenance of 1 or more developmentally appropriate social,
12 behavioral, cognitive, communicative, or adaptive skills.

13 (b) With regard to serious mental illness, substantial
14 interference or limitation of role functioning in 1 or more major
15 life activities including basic living skills such as eating,
16 bathing, and dressing; instrumental living skills such as
17 maintaining a household, managing money, getting around the
18 community, and taking prescribed medication; and functioning in
19 social, vocational, and educational contexts.

20 (6) "Guardian" means a person appointed by the court to
21 exercise specific powers over an individual who is a minor, legally
22 incapacitated, or developmentally disabled.

23 (7) "Hospital" or "psychiatric hospital" means an inpatient
24 program operated by the department for the treatment of individuals
25 with serious mental illness or serious emotional disturbance or a
26 psychiatric hospital or psychiatric unit licensed under section
27 137.

1 (8) "Hospital director" means the chief administrative officer
2 of a hospital or his or her designee.

3 (9) "Hospitalization" or "hospitalize" means to provide
4 treatment for an individual as an inpatient in a hospital.

5 (10) "Individual plan of services" or "plan of services" means
6 a written ~~individualized~~**INDIVIDUAL** plan of services developed with
7 a recipient as required by section 712.

8 (11) "Licensed facility" means a facility licensed by the
9 department under section 137 or an adult foster care facility.

10 (12) "Licensed psychologist" means a doctoral level
11 psychologist licensed under section 18223(1) of the public health
12 code, 1978 PA 368, MCL 333.18223.

13 (13) "Medical director" means a psychiatrist appointed under
14 section 231 to advise the executive director of a community mental
15 health services program.

16 (14) "Mental health professional" means an individual who is
17 trained and experienced in the area of mental illness or
18 developmental disabilities and who is 1 of the following:

19 (a) A physician who is licensed to practice medicine or
20 osteopathic medicine and surgery in this state under article 15 of
21 the public health code, 1978 PA 368, MCL 333.16101 to 333.18838.

22 (b) A psychologist licensed to practice in this state under
23 article 15 of the public health code, 1978 PA 368, MCL 333.16101 to
24 333.18838.

25 (c) A registered professional nurse licensed to practice in
26 this state under article 15 of the public health code, 1978 PA 368,
27 MCL 333.16101 to 333.18838.

1 (d) ~~Until July 1, 2005, a certified social worker registered~~
2 ~~under article 15 of the public health code, 1978 PA 368, MCL~~
3 ~~333.16101 to 333.18838. Beginning July 1, 2005, a~~ **A** licensed
4 master's social worker licensed under article 15 of the public
5 health code, 1978 PA 368, MCL 333.16101 to 333.18838.

6 (e) A licensed professional counselor licensed to practice in
7 this state under article 15 of the public health code, 1978 PA 368,
8 MCL 333.16101 to 333.18838.

9 (f) A marriage and family therapist licensed under article 15
10 of the public health code, 1978 PA 368, MCL 333.16101 to 333.18838.

11 **(15) "MENTAL HEALTH SERVICES" INCLUDES SUBSTANCE ABUSE**
12 **SERVICES.**

13 **(16)** ~~(15)~~—"Mental retardation" means a condition manifesting
14 before the age of 18 years that is characterized by significantly
15 subaverage intellectual functioning and related limitations in 2 or
16 more adaptive skills and that is diagnosed based on the following
17 assumptions:

18 (a) Valid assessment considers cultural and linguistic
19 diversity, as well as differences in communication and behavioral
20 factors.

21 (b) The existence of limitation in adaptive skills occurs
22 within the context of community environments typical of the
23 individual's age peers and is indexed to the individual's
24 particular needs for support.

25 (c) Specific adaptive skill limitations often coexist with
26 strengths in other adaptive skills or other personal capabilities.

27 (d) With appropriate supports over a sustained period, the

1 life functioning of the individual with mental retardation will
2 generally improve.

3 (17) ~~(16)~~—"Minor" means an individual under the age of 18
4 years.

5 (18) ~~(17)~~—"Multicultural services" means specialized mental
6 health services for multicultural populations such as African-
7 Americans, Hispanics, Native Americans, Asian and Pacific
8 Islanders, and Arab/Chaldean-Americans.

9 (19) ~~(18)~~—"Neglect" means an act or failure to act committed
10 by an employee or volunteer of the department, a community mental
11 health services program, or a licensed hospital; a service provider
12 under contract with the department, **A** community mental health
13 services program, or **A** licensed hospital; or an employee or
14 volunteer of a service provider under contract with the department,
15 **A** community mental health services program, or **A** licensed hospital,
16 that denies a recipient the standard of care or treatment to which
17 he or she is entitled under this act.

18 Sec. 206. (1) The purpose of a community mental health
19 services program shall be to provide a comprehensive array of
20 mental health services appropriate to conditions of individuals who
21 are located within its geographic service area, regardless of an
22 individual's ability to pay. The array of mental health services
23 shall include, at a minimum, all of the following:

24 (a) Crisis stabilization and response including a 24-hour, 7-
25 day per week, crisis emergency service that is prepared to respond
26 to persons experiencing acute emotional, behavioral, or social
27 dysfunctions, and the provision of inpatient or other protective

1 environment for treatment.

2 (b) Identification, assessment, and diagnosis to determine the
3 specific needs of the recipient and to develop an individual plan
4 of services.

5 (c) Planning, linking, coordinating, follow-up, and monitoring
6 to assist the recipient in gaining access to services.

7 (d) Specialized mental health recipient training, treatment,
8 and support, including therapeutic clinical interactions,
9 socialization and adaptive skill and coping skill training, health
10 and rehabilitative services, and pre-vocational and vocational
11 services.

12 (e) Recipient rights services.

13 (f) Mental health advocacy.

14 **(G) SUBSTANCE ABUSE SERVICES.**

15 **(H)** ~~(g)~~—Prevention activities that serve to inform and educate
16 with the intent of reducing the risk of severe recipient
17 dysfunction.

18 **(I)** ~~(h)~~—Any other service approved by the department.

19 (2) Services shall promote the best interests of the
20 individual and shall be designed to increase independence, improve
21 quality of life, and support community integration and inclusion.
22 Services for children and families shall promote the best interests
23 of the individual receiving services and shall be designed to
24 strengthen and preserve the family unit if appropriate. The
25 community mental health services program shall deliver services in
26 a manner that demonstrates they are based upon recipient choice and
27 involvement, and shall include wraparound services when

1 appropriate.

2 Sec. 208. (1) Services provided by a community mental health
3 services program shall be directed to individuals who have a
4 serious mental illness, serious emotional disturbance, or
5 developmental disability **AND TO INDIVIDUALS WHO ARE IN NEED OF**
6 **SUBSTANCE ABUSE SERVICES.**

7 (2) Services may be directed to individuals who have other
8 mental disorders that meet criteria specified in the most recent
9 diagnostic and statistical manual of mental health disorders
10 published by the American psychiatric association and may also be
11 directed to the prevention of mental disability and the promotion
12 of mental health. Resources that have been specifically designated
13 to community mental health services programs for services to
14 individuals with dementia, alcoholism, or substance abuse or for
15 the prevention of mental disability and the promotion of mental
16 health shall be utilized for those specific purposes.

17 (3) Priority shall be given to the provision of services to
18 individuals with the most severe forms of serious mental illness,
19 serious emotional disturbance, and developmental disability.
20 Priority shall also be given to the provision of services to
21 individuals with a serious mental illness, serious emotional
22 disturbance, or developmental disability in urgent or emergency
23 situations.

24 (4) An individual shall not be denied a service because an
25 individual who is financially liable is unable to pay for the
26 service.

27 Enacting section 1. Article 6 of the public health code, 1978

1 PA 368, MCL 333.6101 to 333.6523, is repealed.

2 Enacting section 2. This amendatory act takes effect 1 year

3 after the date this amendatory act is enacted.