

REPORTING REQUIREMENTS FOR MENTAL HEALTH RECIPIENT DEATHS

Phone: (517) 373-8080
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House Bill 5615 (proposed substitute H-1)
Sponsor: Rep. Phil Green
Committee: Health Policy
Complete to 12-2-20

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 5615 would amend the requirements in the Mental Health Code regarding the reporting of recipient rights.

Currently, the code requires *the department* to provide an annual statistical report to the legislature that summarizes all deaths and causes of death, if known, of mental health recipients that have been reported to the department and all deaths that have occurred in state facilities.

Under the bill, the department would have to collect all the information it receives regarding recipients' deaths and include a summation and analysis of that information in the annual report. It would also have to maintain a record of that information.

The department would also have to review and verify the information in each death report and report as needed to other investigative authorities, conduct its own investigation of potential licensing or rights violations, and take any corrective action warranted.

Generally, state-operated and federally operated psychiatric hospitals and psychiatric units are exempt from certain provisions in the code, including licensing requirements. The bill would make the reporting it would require of state-operated psychiatric hospitals and psychiatric units one of the exceptions to this exemption.

In addition, the bill would state that DHHS' [Office of Recipient Rights](#) has oversight authority to ensure operation of an effective recipient rights system at all psychiatric hospitals and psychiatric units.

Note: Generally in the Mental Health Code, *the department* is the Michigan Department of Health and Human Services (DHHS) unless another state department is specified. While no such department is specified in section 1720, the yearly Statistical Report of Psychiatric Inpatient Deaths¹ is prepared by the Bureau of Community and Health Systems, which is housed in the Department of Licensing and Regulatory Affairs (LARA).² The report does

¹ https://www.michigan.gov/documents/lara/LARA-BCHS_Inpatient_Psychiatric_Death_Report_2019_679967_7.pdf

² The Bureau was transferred from the Department of Community Health (which was combined with the Department of Human Services to form DHHS in 2015) to LARA in 2011:
<http://legislature.mi.gov/documents/2011-2012/executiveorder/pdf/2011-EO-04.pdf>

not include data from state-operated hospitals, as that data is available from DHHS. It is anticipated that this sharing of responsibilities would continue under the bill.

MCL 330.1134, 330.1147, and 330.1720

FISCAL IMPACT:

House Bill 5615 would have a negligible fiscal impact on the state and no fiscal impact on local units of government.

Legislative Analyst: Jenny McInerney
Fiscal Analyst: Kevin Koorstra

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

https://www.house.mi.gov/hfa/PDF/Revenue_Forecast/ExecOrder2011_4_Memo_LARA.pdf