

HOUSE BILL NO. 5616

March 12, 2020, Introduced by Reps. Green, Markkanen, Whiteford, Vaupel and Berman and referred to the Committee on Health Policy.

A bill to amend 1974 PA 258, entitled
"Mental health code,"
by amending section 409 (MCL 330.1409), as amended by 2018 PA 593.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 409. (1) Each community mental health services program
2 shall establish 1 or more preadmission screening units with 24-hour
3 availability to provide assessment and screening services for
4 individuals being considered for admission into hospitals or
5 assisted outpatient treatment programs. The community mental health



1 services program ~~shall~~**must** employ mental health professionals or
2 licensed bachelor's social workers licensed under part 185 of the
3 public health code, 1978 PA 368, MCL 333.18501 to 333.18518, to
4 provide the preadmission screening services or contract with
5 another agency that meets the requirements of this section.
6 Preadmission screening unit staff ~~shall~~**must** be supervised by a
7 registered professional nurse or other mental health professional
8 possessing at least a master's degree.

9 (2) Each community mental health services program shall
10 provide the address and telephone number of its preadmission
11 screening unit or units to law enforcement agencies, the
12 department, the court, and hospital emergency rooms.

13 (3) A preadmission screening unit ~~shall~~**must** assess an
14 individual being considered for admission into a hospital operated
15 by the department or under contract with the community mental
16 health services program. If the individual ~~is clinically suitable~~
17 ~~for hospitalization,~~**meets any of the criteria set forth in section**
18 **401(1)(a) to (c)**, the preadmission screening unit ~~shall~~**must**
19 authorize voluntary admission to the hospital **or may document and**
20 **act on the fact that the individual is a candidate for assisted**
21 **outpatient treatment.**

22 (4) If the preadmission screening unit of the community mental
23 health services program denies hospitalization, the individual or
24 the person ~~making the application~~**applying** may request a second
25 opinion from the executive director. The executive director shall
26 arrange for an additional evaluation by a psychiatrist, other
27 physician, or licensed psychologist to be performed within 3 days,
28 excluding Sundays and legal holidays, after the executive director
29 receives the request. If the conclusion of the second opinion is



1 different from the conclusion of the preadmission screening unit,
2 the executive director, in conjunction with the medical director,
3 shall make a decision based on all clinical information available.
4 The executive director's decision ~~shall~~**must** be confirmed in
5 writing to the individual who requested the second opinion, and the
6 confirming document shall include the signatures of the executive
7 director and medical director or verification that the decision was
8 made in conjunction with the medical director. If an individual is
9 assessed and found not to be clinically suitable for
10 hospitalization, the preadmission screening unit ~~shall~~**must** provide
11 appropriate referral services.

12 (5) If an individual is assessed and found not to be
13 clinically suitable for hospitalization **or assisted outpatient**
14 **treatment**, the preadmission screening unit ~~shall~~**must** provide
15 information regarding alternative services and the availability of
16 those services, **including services offered by the community mental**
17 **health services program that may be of assistance for the**
18 **individual's circumstances**, and ~~make~~**must attempt to arrange and**
19 **complete follow up work on** appropriate referrals.

20 (6) A preadmission screening unit ~~shall~~**must** assess and
21 examine, or refer to a hospital for examination, an individual who
22 is brought to the unit by a peace officer or ordered by a court to
23 be examined. If the individual meets the requirements for
24 hospitalization, the preadmission screening unit shall designate
25 the hospital to which the individual shall be admitted. The
26 preadmission screening unit ~~shall~~**must** consult with the individual
27 and, if the individual agrees, ~~it shall~~**the preadmission screening**
28 **unit must** consult with the individual's family member of choice, if
29 available, as to the preferred hospital for admission of the



1 individual.

2 (7) If the individual chooses a hospital not under contract
3 with a community mental health services program, and the hospital
4 agrees to the admission, the preadmission screening unit ~~shall~~**must**
5 refer the individual to the hospital that is requested by the
6 individual. Any financial obligation for the services provided by
7 the hospital shall be satisfied from funding sources other than the
8 community mental health services program, the department, or other
9 state or county funding.

10 (8) **If the individual refuses hospitalization or other**
11 **treatment recommended by the preadmission screening unit under any**
12 **of the criteria set forth in section 401(1)(a) to (c), and an**
13 **alternative service considered appropriate by the preadmission**
14 **screening unit cannot be arranged, the preadmission screening unit**
15 **shall file a petition with the court alleging that the individual**
16 **is a person requiring treatment under section 401.**

