

MENTAL HEALTH PROFESSIONALS

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House Bill 5114 as introduced
Sponsor: Rep. Carrie A. Rheingans
Committee: Health Policy
Complete to 1-19-24

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

SUMMARY:

House Bill 5114 would amend the Mental Health Code to include additional professions in the definition of *mental health professional*, as used throughout the act, and to allow those professionals to conduct certain examinations and tasks related to court-ordered treatment decisions or determinations related to the imposition of restraint or seclusion.

Mental health professional means an individual who is trained and experienced in the area of mental illness or developmental disabilities and is one of the following as authorized under the Public Health Code:

- A physician.
- A psychologist.
- A licensed or authorized registered professional nurse.
- A licensed master's social worker.
- A licensed professional counselor.
- A marriage and family therapist.

The bill would add the following to the above list of qualifying professions:

- Physician assistant.
- Certified nurse practitioner.
- Clinical nurse specialist-certified.

Each would be defined as an individual licensed in, certified in, or practicing that profession, as applicable, under the Public Health Code.

Additionally, the bill would incorporate the three added professions into several procedures in the Mental Health Code, including the following:

- Examination prior to involuntary treatment (and production to the court of their certified findings, including treatment recommendations).
- Execution of a clinical certificate to accompany a petition to continue mental health treatment in response to a notice of termination of mental health treatment.
- Execution of a clinical certificate before hospitalization pending certification by a psychiatrist.
- Examination pursuant to a petition by a peace officer.
- Execution of a clinical certificate accompanying a petition to the court that asserts that an individual is a person requiring treatment.
- Authorization of the seclusion or temporary restraint of a hospital or center resident if essential to prevent harm or damage.

The bill would allow a member of the three added professions to issue a *clinical certificate* or a *competent clinical opinion* under Chapter 4 (Civil Admission and Discharge Procedures: Mental Illness). Those documents can now be issued only by a physician, psychiatrist, or psychologist, as shown in the current definitions provided below.

Clinical certificate means the written conclusion and statements of a physician or a licensed psychologist that an individual is a person requiring treatment, together with the information and opinions, in reasonable detail, that underlie the conclusion, on the form prescribed by the Department of Health and Human Services (DHHS) or on a substantially similar form.

Competent clinical opinion means the clinical judgment of a physician, psychiatrist, or licensed psychologist.

The bill would take effect 90 days after it is enacted.

MCL 330.1100a et seq.

BACKGROUND:

The bill is substantively identical to Senate Bill 826 of the 2019-20 legislative session, which was passed by the Senate and referred from the House Health Policy committee to the House Committee on Ways and Means.

FISCAL IMPACT:

House Bill 5114 would have a minimal fiscal impact on the state and local units of government, specifically the 46 local Community Mental Health Services Programs (CMHSPs), as the expansion of which medical professions could perform the evaluations as part of court-ordered treatment decisions would not automatically result in an increase in the number of individuals receiving court-ordered treatment through the CMHSPs.

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■ 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.