

HOUSE BILL NO. 4748

June 14, 2023, Introduced by Reps. Tisdell, Harris, Kuhn, Steele and BeGole and referred to the Committee on Health Policy.

A bill to amend 1974 PA 258, entitled
"Mental health code,"
(MCL 330.1001 to 330.2106) by adding section 469b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **Sec. 469b. (1) A recipient or his or her individual**
2 **representative must be offered an opportunity to request mediation**
3 **to resolve a dispute between the recipient or his or her individual**
4 **representative and the mental health provider prescribing assisted**
5 **outpatient treatment to the recipient.**

6 **(2) The mental health provider must provide notice to a**

1 recipient, or his or her individual representative, of the right to
2 request and access mediation at the time assisted outpatient
3 treatment is initiated and at least annually after that. When the
4 mental health provider's local dispute resolution process, local
5 appeals process, or state Medicaid fair hearing is requested,
6 notification of the right to request mediation must also be
7 provided to the recipient or his or her individual representative.

8 (3) The department must provide funding and directly contract
9 with 1 or more mediation organizations experienced in coordinating
10 statewide case intake and mediation service delivery through local
11 community dispute resolution centers.

12 (4) A mediator must be an individual trained in effective
13 mediation technique and mediator standard of conduct. A mediator
14 must be knowledgeable in the laws, regulations, and administrative
15 practices relating to providing behavioral health services and
16 supports. The mediator must not be involved in any manner with the
17 dispute or with providing services or supports to the recipient.

18 (5) The community mental health services program or service
19 provider described in subsection (2) involved in the dispute must
20 participate in mediation if mediation is requested.

21 (6) A request for mediation must be recorded by a mediation
22 organization, and mediation must begin within 10 business days
23 after the recording. Mediation does not prevent a recipient or his
24 or her individual representative from using another available
25 dispute resolution option, including, but not limited to, the
26 mental health provider's local dispute resolution process, the
27 local appeals process, the state Medicaid fair hearing, or filing a
28 recipient rights complaint. A mediation organization shall
29 ascertain if an alternative dispute resolution process is currently

1 ongoing and notify the process administrator of the request for
2 mediation. The parties may agree to voluntarily suspend other
3 dispute resolution processes, unless prohibited by law or precluded
4 by a report of an apparent or suspected violation of rights
5 delineated in chapter 7.

6 (7) Mediation must be completed within 30 days after the date
7 the mediation was recorded unless the parties agree in writing to
8 extend the mediation period for up to an additional 30 days. The
9 mediation process must not exceed 60 days.

10 (8) If the dispute is resolved through the mediation process,
11 the mediator shall prepare a legally binding document that includes
12 the terms of the agreement. The document must be signed by the
13 recipient or individual representative and a party with the
14 authority to bind the service provider according to the terms of
15 the agreement. The mediator must provide a copy of the signed
16 document to all parties within 10 business days after the end of
17 the mediation process. The signed document is enforceable in any
18 court of competent jurisdiction in this state.

19 (9) If the dispute is not resolved through the mediation
20 process, the mediator must prepare a document that indicates the
21 dispute could not be resolved. The mediator shall provide a copy of
22 the document to all parties within 10 business days after the end
23 of the mediation process.

24 (10) A contracted mediation organization must provide a report
25 with aggregate data and a summary of outcomes to the department
26 every 6 months, or as the department considers appropriate, to
27 review and evaluate the effectiveness and efficiency of mediation
28 in resolving disputes relating to planning and providing services
29 and supports by the mental health providers.

1 (11) As used in this section, "recording" means a file that
2 has been created after a request for mediation has been made by a
3 recipient or his or her individual representative or received by a
4 mental health provider.