



**House
Legislative
Analysis
Section**

Manufacturer's Bank Building, 12th Floor
Lansing, Michigan 48909
Phone: 517/373-6466

THE APPARENT PROBLEM:

Several counties in Michigan have attempted to coordinate their mental health programs with their public health programs and various other human services by establishing county human services or human resources departments. (Kalamazoo's Human Services Department, for example, provides mental health, public health, substance abuse, job training, and transportation services, and serves as the community action agency). The reorganized departments have their own advisory boards. In most cases, the counties have maintained separate mental health boards, but in some instances the human services advisory boards have replaced the community mental health boards. The attorney general has ruled that this latter action causes the affected county's community mental health program to be out of compliance with the provisions of the Mental Health Code. According to the attorney general, the Mental Health Code is clear in its mandate that a county that elects to establish a community mental health program must have a community mental health board, and that that board may only perform mental health-related duties. The attorney general also ruled that counties may not allocate to another county board the authority conferred to the community mental health board. Unless legislation is enacted that would "legalize" the activities of these counties, they will lose their community mental health funding.

THE CONTENT OF THE BILL:

The bill would amend the Mental Health Code to permit the governing board of a county board of commissioners, or county executive, that has established a county human services or human resources department and governing board prior to January 1, 1990, to assume — on a demonstration basis — the powers and duties granted county community mental health boards under the code.

Under the bill, the Department of Mental Health would be required to evaluate the governing board of a county human services or human resources department that had assumed the powers and duties of a community mental health board. The department would assess:

- The board's ability to perform its duties relating to the provision of mental health services.
- The board's accessibility to consumers, providers, and advocates of mental health services when discussing matters pertaining to public mental health services.

The provisions of the bill would be repealed effective January 1, 1993.

MCL 330.1221

FISCAL IMPLICATIONS:

According to the Department of Mental Health, the bill has no fiscal implications for the state. (6-6-90)

House Bill 5848 with committee amendment First Analysis (6-7-90)

Sponsor: Rep. Donald H. Gilmer
Committee: Mental Health

ARGUMENTS:

For:

The bill would enable certain counties to receive the necessary funding to continue their integrated human resources programs for two and one-half additional years. During that period, the department would evaluate each county's performance to make sure that it is providing the required mental health services, and that it is accessible to mental health consumers, providers, and advocates.

Against:

The bill is an attempt to change the Mental Health Code to accommodate the actions of those who have violated it. The attorney general has ruled that counties that disband their county community mental health boards, or who permit the boards' powers to be preempted, are out of compliance with the provisions of the Mental Health Code. By permitting county systems to continue functioning with advisory boards that preempt the powers of the community mental health boards, the bill could set a precedent that would induce other counties to circumvent the intent of the code.

Response: The provisions of the bill would only apply to those counties that had established human services or human resources departments and governing boards before January 1, 1990. Counties that adopted such departments, or governing boards, after January 1, 1990, would not be in compliance with the code.

Against:

A community mental health board is responsible for advocating on behalf of those in need of mental health services, for surveying the community's mental health needs, and for submitting a budget to the Department of Mental Health. If that board also has these responsibilities for the county's other human services programs, then the result has to be a dilution of the board's role in the mental health area.

POSITIONS:

The Department of Mental Health supports the bill. (6-6-90)

The Kalamazoo County Board of Commissioners supports the bill. (6-6-90)

The Washtenaw County Board of Commissioners supports the bill. (6-6-90)

The Association for Retarded Citizens-Michigan has not yet formulated a position on the bill. (6-6-90)

The Alliance for the Mentally Ill opposes the bill. (6-6-90)