

Act No. 263
Public Acts of 1990
Approved by the Governor
October 12, 1990
Filed with the Secretary of State
October 15, 1990

**STATE OF MICHIGAN
85TH LEGISLATURE
REGULAR SESSION OF 1990**

Introduced by Reps. Gilmer, Brown, Wartner, Van Regenmorter, Perry Bullard, Hoekman and Profit

ENROLLED HOUSE BILL No. 5848

AN ACT to amend the title and section 939 of Act No. 258 of the Public Acts of 1974, entitled as amended "An act to modernize, add to, revise, consolidate, and codify the statutes relating to mental health; to delineate the powers and duties of the department of mental health; to establish county community mental health programs; to delineate state and county financial responsibility for public mental health services; to create certain funds; to establish procedures for the civil admission and discharge of mentally ill persons to and from mental health facilities; to establish procedures for the civil admission and discharge of mentally retarded and other developmentally disabled persons to and from facilities; to establish guardianship arrangements for mentally retarded persons; to establish certain rights of persons who receive mental health services; to establish financial liability for the receipt of public mental health services; to establish certain miscellaneous provisions relating to mental health; to establish procedures pertaining to mentally ill and mentally retarded persons who are under criminal sentence, to persons who are mentally incompetent to stand trial, and to persons who have been found not guilty by reason of insanity; and to repeal certain acts and parts of acts," section 939 as added by Act No. 354 of the Public Acts of 1984, being section 330.1939 of the Michigan Compiled Laws; to add section 221; and to repeal certain parts of the act on a specific date.

The People of the State of Michigan enact:

Section 1. The title and section 939 of Act No. 258 of the Public Acts of 1974, section 939 as added by Act No. 354 of the Public Acts of 1984, being section 330.1939 of the Michigan Compiled Laws, are amended and section 221 is added to read as follows:

TITLE

An act to modernize, add to, revise, consolidate, and codify the statutes relating to mental health; to delineate the powers and duties of the department of mental health; to establish county community mental health programs; to delineate state and county financial responsibility for public mental health services; to create certain funds; to establish procedures for the civil admission and discharge of mentally ill persons to and from mental health facilities; to establish procedures for the civil admission and discharge of persons with developmental disabilities to and from facilities; to establish guardianship arrangements for persons with developmental disabilities; to establish certain rights of persons who receive mental health services; to establish financial liability for the receipt of public mental health services; to establish certain miscellaneous provisions relating to mental health; to establish procedures pertaining to persons with mental illness or developmental disabilities who are under criminal sentence, to persons who are mentally incompetent to stand trial, and to persons who have been found not guilty by reason of insanity; to repeal certain acts and parts of acts; and to repeal certain parts of this act on a specific date.

Sec. 221. (1) If a county board of commissioners or county executive has established a county human services or human resources department and governing board before January 1, 1990 to provide coordination or integration of human services within the county, the governing board of the county human services or human resources department shall assume, on a demonstration basis, the powers and duties given in this act to the

county community mental health board. The governing board shall establish a community mental health advisory board having the same composition as specified in section 222 for a county community mental health board.

(2) At least once a year, the department shall evaluate the governing board of a county human services or human resources department that has assumed the powers and duties of a community mental health board under subsection (1). The evaluation shall include all of the following:

- (a) The governing board's ability to perform its duties relating to the provision of mental health services.
 - (b) The governing board's accessibility to consumers, providers, and advocates of mental health services when the governing board is discussing matters pertaining to public mental health services.
 - (c) Whether a community mental health advisory board is an effective mechanism for increasing the ability of the governing board to deal knowledgeably with mental health issues.
- (3) This section is repealed effective January 1, 1993.

Sec. 939. (1) The state mental health advisory council on deafness is created in the department as a successor to the mental health advisory council on the deaf and hearing impaired. The council shall consist of 12 members appointed by the governor. At least 4 members shall be deaf persons as defined in section 2 of Act No. 204 of the Public Acts of 1982, being section 393.502 of the Michigan Compiled Laws. The remaining members shall be persons knowledgeable in the area of deafness, mental health, or both. The members shall be appointed for 2-year terms beginning on April 1, except that in the first year, 6 members shall be appointed for a 1-year term, and 6 members shall be appointed for a 2-year term. A vacancy on the council shall be filled for the balance of the unexpired term in the same manner as the original appointment.

(2) The state mental health advisory council on deafness shall advise and assist the director of the department on mental health services, policies, and programs for the deaf and hearing impaired. The council shall be responsible for all of the following:

(a) Identifying and assessing current needs of deaf and hearing impaired persons with mental health problems.

(b) Monitoring mental health program delivery to deaf and hearing impaired persons.

(c) Recommending programs, policy development, and training that shall ensure quality service delivery of specialized mental health services to meet the needs of deaf and hearing impaired persons.

(3) The state mental health advisory council on deafness shall report its findings and recommendations at least annually to the department, citizens mental health advisory council, the governor, and the house and senate appropriations committees.

(4) The members of the state mental health advisory council on deafness shall serve without compensation, but shall be reimbursed for actual and necessary expenses by the department.

(5) The first meeting each year of the state mental health advisory council on deafness shall be called by a majority of the members at which time a chairperson shall be elected. The council shall meet at least 4 times a year and at the call of the chairperson.

This act is ordered to take immediate effect.

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Clerk of the House of Representatives.

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Secretary of the Senate.

Approved

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Governor.