

HOUSE BILL No. 4256

February 21, 1989, Introduced by Reps. Hunter, DeMars, Brown, Berman, Murphy, Ciaramitaro, Joe Young, Jr., Gire, Scott, Honigman, Jondahl, Wallace, Webb, Kilpatrick, Bankes, Stabenow, Saunders, Martin, Leland, Barns and Hollister and referred to the Committee on Social Services and Youth.

A bill to amend sections 200, 209a, and 209b of Act No. 258 of the Public Acts of 1974, entitled as amended "Mental health code,"

section 200 as amended by Act No. 289 of the Public Acts of 1986, section 209a as amended by Act No. 186 of the Public Acts of 1984, and section 209b as added by Act No. 409 of the Public Acts of 1980, being sections 330.1200, 330.1209a, and 330.1209b of the Michigan Compiled Laws; and to repeal certain parts of the act.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 200, 209a, and 209b of Act No. 258 of
2 the Public Acts of 1974, section 200 as amended by Act No. 289 of
3 the Public Acts of 1986, section 209a as amended by Act No. 186
4 of the Public Acts of 1984, and section 209b as added by Act
5 No. 409 of the Public Acts of 1980, being sections 330.1200,

1 330.1209a, and 330.1209b of the Michigan Compiled Laws, are
2 amended to read as follows:

3 Sec. 200. As used in this chapter, unless the context
4 requires otherwise:

5 (a) "County program" means a county community mental health
6 program.

7 (b) "Board" means the board of a county community mental
8 health program.

9 (c) "County director" means the director of a county commu-
10 nity mental health program or the official designee of the
11 director.

12 (d) "Service" means a mental health service.

13 (e) "Board of commissioners" means a county board of
14 commissioners.

15 (f) "Department" means the department of mental health.

16 (g) "Director" means the director of mental health.

17 (h) "State facility" means a hospital, as defined in
18 section 400, or a facility, as defined in section 500, that is
19 operated by the department.

20 ~~(i) "Children's diagnostic and treatment service" means a~~
21 ~~program operated by or under contract with a county community~~
22 ~~mental health board which provides examination, evaluation, and~~
23 ~~referrals for minors, including emergency referrals, which pro-~~
24 ~~vides or facilitates treatment for minors, and which has been~~
25 ~~certified pursuant to rules promulgated by the department.~~

26 ~~(j) "Minor" means a person who is less than 18 years of~~
27 ~~age.~~

1 (I) ~~(k)~~ "Full management board" means a county community
2 mental health board designated by the department as having full
3 management responsibility for all public mental health service
4 delivery to all persons located within the county or counties
5 represented by the board.

6 Sec. 209a. (1) Upon receipt of the notice required by sec-
7 tion 209(1), the appropriate county program, with the assistance
8 of the state facility, shall develop an individualized
9 pre-release plan for appropriate community placement and a
10 pre-release plan for aftercare services appropriate for each
11 individual about whom the county program received the notice. If
12 possible, the individual shall participate in the development of
13 a pre-release plan. ~~In developing a pre release plan for a~~
14 ~~minor, the county program and the state children's facility shall~~
15 ~~include all of the following in the planning process:~~

16 ~~(a) The minor, if the minor is 14 years of age or older if~~
17 ~~possible.~~

18 ~~(b) The parent or guardian of the minor. As used in this~~
19 ~~subdivision, "guardian" means any person with authority for the~~
20 ~~care and custody of a minor pursuant to an order of the probate~~
21 ~~court or the circuit court.~~

22 ~~(c) Personnel from the school and other agencies if~~
23 ~~possible.~~

24 ~~(2) In the case of a minor in need of an aftercare service~~
25 ~~with a residential component or an alternative to hospitaliza-~~
26 ~~tion, if a county program cannot locate a suitable service or~~
27 ~~alternative for the minor in the service area of the county~~

~~1 program, but a suitable service or alternative is available in
2 the service area of a county program of another county, the
3 county program responsible for planning for the minor may con-
4 tract with the other county program or with the agency operating
5 the service or alternative for the provision of services. The
6 county program or agency contracted with shall be located as
7 close to the minor's place of residence as possible.~~

8 (2) ~~(3)~~ The state facility shall advise an individual,
9 about whom the county program has not received notice pursuant to
10 section 209(1), of the availability of pre-release planning serv-
11 ices offered by the county program. If the individual requests
12 those services, the county program shall be notified and shall
13 develop a plan for that individual.

14 (3) ~~(4)~~ The county program shall offer post-release plan-
15 ning services to each individual, within 10 days after the
16 release of the individual from the state facility, if pre-release
17 planning cannot be completed for 1 of the following reasons:

18 (a) The individual did not consent to notification of his or
19 her admission until shortly before release from the state
20 facility.

21 (b) The individual did not remain in the state facility for
22 a time that was sufficient to develop a pre-release plan.

23 (4) ~~(5)~~ Unless covered by contractual agreement, disclo-
24 sure of information about the individual by the state facility
25 shall be made to those individuals involved in the development of
26 the plans, but shall be limited to:

1 (a) Home address, gender, and medication record.

2 (b) Other information necessary to determine financial and
3 social service needs, program needs, residential needs, and medi-
4 cation needs.

5 Sec. 209b. (1) Before an individual is placed in a super-
6 vised community living arrangement, such as a foster home, group
7 care home, nursing home, or other facility, the county program
8 shall involve in pre-release or post-release planning the indi-
9 vidual, if possible, the legal guardian of the individual; ~~the~~
10 ~~parents or legal guardian of a minor individual;~~ the state
11 facility; the residential care provider, if such a provider has
12 been selected; and, with the consent of the individual, the
13 appropriate local and intermediate school systems and the depart-
14 ment of social services, if appropriate. In each case, the
15 county program shall produce in writing a plan for community
16 placement and aftercare services ~~which~~ THAT is sufficient to
17 meet the needs of the individual and shall document any lack of
18 available community services necessary to implement the plan.

19 (2) Each county program, as requested, shall send to the
20 department aggregate data, which includes a list of services that
21 were indicated on pre-release or post-release plans, but which
22 could not be provided.

23 (3) If the department first approves, the county program and
24 the state facility may agree, in writing, that the staff of the
25 state facility, on a temporary basis, will conduct pre-release
26 planning services, pending development by the county program of
27 the capability to provide those services.

1 Section 2. Sections 201, chapter 4A, and section 707 of Act
 2 No. 258 of the Public Acts of 1974, being sections 330.1201,
 3 330.1498a, 330.1498b, 330.1498c, 330.1498d, 330.1498e, 330.1498f,
 4 330.1498g, 330.1498h, 330.1498i, 330.1498j, 330.1498k, 330.1498l,
 5 330.1498m, 330.1498n, 330.1498o, 330.1498p, 330.1498q, 330.1498r,
 6 330.1498s, 330.1498t, and 330.1707 of the Michigan Compiled Laws,
 7 are repealed.

8 Section 3. This amendatory act shall take effect October 1,
 9 1990.

10 Section 4. This amendatory act shall not take effect unless
 11 all of the following bills of the 85th Legislature are enacted
 12 into law:

13 (a) Senate Bill No. ____ or House Bill No. 4251 (request
 14 no. 00593'89^{*}).

15 (b) Senate Bill No. ____ or House Bill No. 4252 (request
 16 no. 00593'89 a).

17 (c) Senate Bill No. ____ or House Bill No. 4253 (request
 18 no. 00593'89 b).

19 (d) Senate Bill No. ____ or House Bill No. 4254 (request
 20 no. 00593'89 c).

21 (e) Senate Bill No. ____ or House Bill No. 4255 (request
 22 no. 00593'89 d).

23 (f) Senate Bill No. ____ or House Bill No. 4257 (request
 24 no. 00593'89 f).

25 (g) Senate Bill No. ____ or House Bill No. 4258 (request
 26 no. 00593'89 g).

- 1 (h) Senate Bill No. ____ or House Bill No. 4259 (request
2 no. 00593'89 h).
- 3 (i) Senate Bill No. ____ or House Bill No. 4260 (request
4 no. 00593'89 i).
- 5 (j) Senate Bill No. ____ or House Bill No. 4261 (request
6 no. 00593'89 j).
- 7 (k) Senate Bill No. ____ or House Bill No. 4262 (request
8 no. 00593'89 k).
- 9 (l) Senate Bill No. ____ or House Bill No. 4263 (request
10 no. 00593'89 l).
- 11 (m) Senate Bill No. ____ or House Bill No. 4264 (request
12 no. 00593'89 m).
- 13 (n) Senate Bill No. ____ or House Bill No. 4265 (request
14 no. 00593'89 n).
- 15 (o) Senate Bill No. ____ or House Bill No. 4266 (request
16 no. 00593'89 o).
- 17 (p) Senate Bill No. ____ or House Bill No. 4267 (request
18 no. 00593'89 p).
- 19 (q) Senate Bill No. ____ or House Bill No. 4268 (request
20 no. 00593'89 q).
- 21 (r) Senate Bill No. ____ or House Bill No. 4269 (request
22 no. 00593'89 r).
- 23 (s) Senate Bill No. ____ or House Bill No. 4270 (request
24 no. 00593'89 s).