

HOUSE BILL No. 5879

June 14, 1990, Introduced by Reps. Trim, Crandall, Stopczynski and DeLange and referred to the Committee on Mental Health.

A bill to amend the title and section 463 of Act No. 258 of the Public Acts of 1974, entitled as amended "Mental health code," section 463 as amended by Act No. 402 of the Public Acts of 1982, being section 330.1463 of the Michigan Compiled Laws; and to add section 523.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. The title and section 463 of Act No. 258 of the
2 Public Acts of 1974, section 463 as amended by Act No. 402 of the
3 Public Acts of 1982, being section 330.1463 of the Michigan
4 Compiled Laws, are amended and section 523 is added to read as
5 follows:

TITLE

1
2 An act to modernize, add to, revise, consolidate, and codify
3 the statutes relating to mental health; to delineate the powers
4 and duties of the department of mental health; to establish
5 county community mental health programs; to delineate state and
6 county financial responsibility for public mental health serv-
7 ices; to create certain funds; to establish procedures for the
8 civil admission and discharge of mentally ill persons to and from
9 mental health facilities; TO GRANT LIMITED IMMUNITIES TO CERTAIN
10 PERSONS WHO PERFORM DUTIES UNDER THIS ACT; to establish proce-
11 dures for the civil admission and discharge of mentally retarded
12 and other developmentally disabled persons to and from facili-
13 ties; to establish guardianship arrangements for mentally
14 retarded persons; to establish certain rights of persons who
15 receive mental health services; to establish financial liability
16 for the receipt of public mental health services; to establish
17 certain miscellaneous provisions relating to mental health; to
18 establish procedures pertaining to mentally ill and mentally
19 retarded persons who are under criminal sentence, to persons who
20 are mentally incompetent to stand trial, and to persons who have
21 been found not guilty by reason of insanity; and to repeal cer-
22 tain acts and parts of acts.

23 Sec. 463. (1) The subject of a petition in a hearing under
24 this chapter has the right at his or her own expense, or if indi-
25 gent, at the expense of the state, to secure an independent eval-
26 uation by a physician or a psychologist of his or her choice
27 relevant to whether he or she requires treatment, whether he or

1 she should be hospitalized or receive treatment other than
2 hospitalization, and whether he or she is of legal capacity.

3 (2) Compensation for an evaluation performed by a physician
4 or a psychologist shall be in an amount which is reasonable and
5 based upon time and expenses.

6 (3) A PHYSICIAN OR PSYCHOLOGIST WHO PERFORMS AN INDEPENDENT
7 EVALUATION PURSUANT TO SUBSECTION (1) IS NOT LIABLE IN A CIVIL
8 ACTION FOR DAMAGES OR OTHER RELIEF BASED ON HIS OR HER TESTIMONY,
9 DEPOSITION, OR REPORT THAT IS PART OF THE INDEPENDENT
10 EVALUATION. THIS SUBSECTION DOES NOT APPLY TO AN ACTION BASED ON
11 GROSS NEGLIGENCE OR WILLFUL OR WANTON MISCONDUCT.

12 SEC. 523. A PHYSICIAN OR PSYCHOLOGIST WHO PERFORMS AN INDE-
13 PENDENT EVALUATION PURSUANT TO THIS CHAPTER IS NOT LIABLE IN A
14 CIVIL ACTION FOR DAMAGES OR OTHER RELIEF BASED ON HIS OR HER TES-
15 TIMONY, DEPOSITION, OR REPORT THAT IS PART OF THE INDEPENDENT
16 EVALUATION. THIS SECTION DOES NOT APPLY TO AN ACTION BASED ON
17 GROSS NEGLIGENCE OR WILLFUL OR WANTON MISCONDUCT.