

HOUSE BILL No. 5920

June 21, 1990, Introduced by Reps. Trim and Crandall and referred to the Committee on Mental Health.

A bill to amend the title and sections 132 and 932 of Act No. 258 of the Public Acts of 1974, entitled as amended "Mental health code,"

being sections 330.1132 and 330.1932 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. The title and sections 132 and 932 of Act
2 No. 258 of the Public Acts of 1974, being sections 330.1132 and
3 330.1932 of the Michigan Compiled Laws, are amended to read as
4 follows:

TITLE

5
6 An act to modernize, add to, revise, consolidate, and codify
7 the statutes relating to mental health; to delineate the powers
8 and duties of the department of mental health; to establish
9 county community mental health programs; to delineate state and

1 county financial responsibility for public mental health
2 services; to create certain funds; to establish procedures for
3 the civil admission and discharge of mentally ill persons to and
4 from mental health facilities; to establish procedures for the
5 civil admission and discharge of ~~mentally retarded and other~~
6 developmentally disabled persons to and from facilities; to
7 establish guardianship arrangements for ~~mentally retarded~~
8 DEVELOPMENTALLY DISABLED persons; to establish certain rights of
9 persons who receive mental health services; to establish finan-
10 cial liability for the receipt of public mental health services;
11 to establish certain miscellaneous provisions relating to mental
12 health; to establish procedures pertaining to mentally ill and
13 mentally retarded persons who are under criminal sentence, to
14 persons who are mentally incompetent to stand trial, and to per-
15 sons who have been found not guilty by reason of insanity; and to
16 repeal certain acts and parts of acts.

17 Sec. 132. A ~~mental retardation~~ service facility FOR PER-
18 SONS WITH DEVELOPMENTAL DISABILITIES established in conformance
19 ~~to~~ WITH federal Public Law 88-164 or federal Public Law 90-170
20 shall obtain and maintain certification by the department of
21 mental health. The department shall establish minimum standards
22 governing the operations and maintenance of ~~mental retardation~~
23 service facilities. A person or entity establishing and operat-
24 ing a ~~mental retardation~~ service facility shall file an appli-
25 cation with the department for a certificate of approval upon
26 ~~such~~ A form ~~as~~ PRESCRIBED BY the department. ~~prescribes.~~
27 The department may refuse to issue a certificate of approval, or

1 withdraw a certificate of approval ~~when~~ IF, after
2 investigation, it is satisfied the facility does not meet minimum
3 standards. The department shall visit and inspect ~~any~~ AN
4 applicant or approved facility to determine whether or not the
5 facility meets and is operated in accordance with minimum
6 standards.

7 Sec. 932. ~~The several counties~~ A COUNTY of the state of
8 Michigan ~~shall have power and authority~~ MAY, by resolution of
9 the county board of commissioners, ~~to~~ provide for the care,
10 custody, and maintenance of ~~mentally retarded and other~~ devel-
11 opmentally disabled persons within ~~such counties and for~~ THE
12 COUNTY. FOR this purpose ~~counties~~ A COUNTY may raise money by
13 tax or by loan and issue bonds of the county to secure the repay-
14 ment of ~~any such~~ A loan in the manner and within the limits
15 provided by law for the erection of buildings and for the pur-
16 chase of equipment. ~~Counties~~ A COUNTY may raise by tax, in the
17 manner and within the limits provided by law, ~~such sum or sums~~
18 ~~as may be~~ MONEY needed from year to year ~~,~~ for the support,
19 maintenance, and care of ~~mentally retarded and other~~ develop-
20 mentally disabled persons admitted to the care of ~~any~~ A facil-
21 ity maintained by ~~such counties~~ THE COUNTY under ~~and by~~
22 authority of law.