

# HOUSE BILL No. 6003

September 13, 1990, Introduced by Rep. Joe Young, Sr. and referred to the Committee on Mental Health.

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

"Mental health code,"

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 330.1209a and 330.1209b of the Michigan Compiled Laws; and to add section 151.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Section 1. Sections 209a and 209b of Act No. 258 of the  
2 Public Acts of 1974, section 209a as amended by Act No. 186 of  
3 the Public Acts of 1984 and section 209b as added by Act No. 409  
4 of the Public Acts of 1980, being sections 330.1209a and  
5 330.1209b of the Michigan Compiled Laws, are amended and section  
6 151 is added to read as follows:

1        SEC. 151. (1) THE DEPARTMENT OR A LICENSEE UNDER THIS ACT  
2 SHALL PERFORM A COMPREHENSIVE PHYSICAL EXAMINATION OF A  
3 CONSENTING INDIVIDUAL WHO IS HELD FOR A PERIOD OF 24 HOURS OR  
4 LONGER IN A FACILITY OPERATED OR LICENSED BY THE DEPARTMENT.  
5 THIS SECTION APPLIES TO AN INDIVIDUAL WHO IS ADMITTED VOLUNTARILY  
6 OR INVOLUNTARILY TO A FACILITY, AN INDIVIDUAL TAKEN INTO PROTEC-  
7 TIVE CUSTODY PURSUANT TO THIS ACT, AND AN INDIVIDUAL WHO IS HOS-  
8 PITALIZED PENDING A COURT HEARING.

9        (2) THE PHYSICAL EXAMINATION REQUIRED UNDER SUBSECTION (1)  
10 SHALL INCLUDE A SCREENING TO DETERMINE WHETHER THE INDIVIDUAL HAS  
11 A SUBSTANCE ABUSE PROBLEM OR A HISTORY OF SUBSTANCE ABUSE AND MAY  
12 INCLUDE TESTS TO DETECT THE PRESENCE OF CHEMICAL SUBSTANCES IN  
13 THE INDIVIDUAL'S BODY, INCLUDING, BUT NOT LIMITED TO, ALCOHOL AND  
14 DRUGS. FOR PURPOSES OF THIS SECTION, "SUBSTANCE ABUSE" MEANS  
15 THAT TERM AS DEFINED IN SECTION 6107 OF THE PUBLIC HEALTH CODE,  
16 ACT NO. 368 OF THE PUBLIC ACTS OF 1978, BEING SECTION 333.6107 OF  
17 THE MICHIGAN COMPILED LAWS.

18        (3) IF THE RESULTS OF THE SCREENING PRESCRIBED IN SUBSECTION  
19 (2) INDICATE THAT THE INDIVIDUAL MAY HAVE A SUBSTANCE ABUSE PROB-  
20 LEM, THE DEPARTMENT OR LICENSEE SHALL, WITH THE INDIVIDUAL'S CON-  
21 SENT, REPORT THE SCREENING RESULTS TO THE PERSONS WHO ARE ENGAGED  
22 IN TREATMENT PLANNING, PRE-RELEASE PLANNING, AND POST-RELEASE  
23 PLANNING SO THAT THE PLAN MAY TAKE INTO ACCOUNT ANY NEED FOR SUB-  
24 STANCE ABUSE TREATMENT.

25        (4) IN DEVELOPING METHODOLOGY FOR THE SCREENING AND TESTING  
26 PRESCRIBED IN SUBSECTION (2), THE DEPARTMENT OR A LICENSEE SHALL  
27 CONSULT WITH THE OFFICE OF SUBSTANCE ABUSE SERVICES CREATED IN

1 SECTION 6201 OF ACT NO. 368 OF THE PUBLIC ACTS OF 1978, BEING  
2 SECTION 333.6201 OF THE MICHIGAN COMPILED LAWS.

3       Sec. 209a. (1) Upon receipt of the notice required by sec-  
4 tion 209(1), the appropriate county program, with the assistance  
5 of the state facility, shall develop an individualized  
6 pre-release plan for appropriate community placement and a  
7 pre-release plan for aftercare services appropriate for each  
8 individual about whom the county program received the notice. IF  
9 THE COUNTY PROGRAM HAS RECEIVED THE RESULTS OF THE SCREENING PRE-  
10 SCRIBED BY SECTION 151 INDICATING THAT THE INDIVIDUAL MAY HAVE A  
11 SUBSTANCE ABUSE PROBLEM, WITH THE CONSENT OF THE INDIVIDUAL THE  
12 PLANNING TEAM SHALL INCLUDE A REPRESENTATIVE FROM A LOCAL COORDI-  
13 NATING AGENCY FOR SUBSTANCE ABUSE AS DESCRIBED IN SECTION 6228 OF  
14 THE PUBLIC HEALTH CODE, ACT NO. 368 OF THE PUBLIC ACTS OF 1978,  
15 BEING SECTION 333.6228 OF THE MICHIGAN COMPILED LAWS, OR ITS  
16 DESIGNEE. If possible, the individual shall participate in the  
17 development of a pre-release plan. In developing a pre-release  
18 plan for a minor, the county program and the state children's  
19 facility shall include all of the following in the planning  
20 process:

21       (a) The minor, if the minor is 14 years of age or older if  
22 possible.

23       (b) The parent or guardian of the minor. As used in this  
24 subdivision, "guardian" means any person with authority for the  
25 care and custody of a minor pursuant to an order of the probate  
26 court or the circuit court.

1 (c) Personnel from the school and other agencies if  
2 possible.

3 (2) In the case of a minor in need of an aftercare service  
4 with a residential component or an alternative to hospitaliza-  
5 tion, if a county program cannot locate a suitable service or  
6 alternative for the minor in the service area of the county pro-  
7 gram, but a suitable service or alternative is available in the  
8 service area of a county program of another county, the county  
9 program responsible for planning for the minor may contract with  
10 the other county program or with the agency operating the service  
11 or alternative for the provision of services. The county program  
12 or agency contracted with shall be located as close to the  
13 minor's place of residence as possible.

14 (3) The state facility shall advise an individual, about  
15 whom the county program has not received notice pursuant to sec-  
16 tion 209(1), of the availability of pre-release planning services  
17 offered by the county program. If the individual requests those  
18 services, the county program shall be notified and shall develop  
19 a plan for that individual.

20 (4) The county program shall offer post-release planning  
21 services to each individual, within 10 days after the release of  
22 the individual from the state facility, if pre-release planning  
23 cannot be completed for 1 of the following reasons:

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

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

3 (5) Unless covered by contractual agreement, disclosure of  
4 information about the individual by the state facility shall be  
5 made to those individuals involved in the development of the  
6 plans, but shall be limited to:

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

8 (b) Other information necessary to determine financial and  
9 social service needs, program needs, residential needs, and medi-  
10 cation needs.

11 Sec. 209b. (1) Before an individual is placed in a super-  
12 vised community living arrangement, such as a foster home, group  
13 care home, nursing home, or other facility, the county program  
14 shall involve in pre-release or post-release planning the indi-  
15 vidual, if possible, the legal guardian of the individual; the  
16 parents or legal guardian of a minor individual; the state facil-  
17 ity; the residential care provider, if such a provider has been  
18 selected; and, with the consent of the individual, the appropri-  
19 ate local and intermediate school systems and the department of  
20 social services, if appropriate. IF THE COUNTY PROGRAM HAS  
21 RECEIVED THE RESULTS OF THE SCREENING PRESCRIBED BY SECTION 151  
22 INDICATING THAT THE INDIVIDUAL MAY HAVE A SUBSTANCE ABUSE PROB-  
23 LEM, WITH THE CONSENT OF THE INDIVIDUAL THE PLANNING TEAM SHALL  
24 ALSO INCLUDE A REPRESENTATIVE FROM A LOCAL COORDINATING AGENCY  
25 FOR SUBSTANCE ABUSE AS DESCRIBED IN SECTION 6228 OF THE PUBLIC  
26 HEALTH CODE, ACT NO. 368 OF THE PUBLIC ACTS OF 1978, BEING  
27 SECTION 333.6228 OF THE MICHIGAN COMPILED LAWS, OR ITS DESIGNEE.

1 In each case, the county program shall produce in writing a plan  
2 for community placement and aftercare services which is suffi-  
3 cient to meet the needs of the individual and shall document any  
4 lack of available community services necessary to implement the  
5 plan.

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

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