



**House
Legislative
Analysis
Section**

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MENTAL HEALTH, PROTECTION AND ADVOCACY

**House Bill 4712 as introduced
First Analysis (6-9-87)**

**Sponsor: Rep. Debbie Farhat
Committee: Mental Health**

THE APPARENT PROBLEM:

Public Act 258 of 1974 provided for the designation of a protection and advocacy agency for persons with developmental disabilities, and the Michigan Protection and Advocacy Service has provided that service, funded by a grant from the Department of Mental Health, since 1977. Federal legislation, however, stipulates that state governments designate agencies to serve both the developmentally disabled and the mentally ill, and that matching federal funds be given only to the state agency designated by the governor to implement such an advocacy program. Congress further stipulated that certain client records be made available to the agency.

THE CONTENT OF THE BILL:

The bill would repeal that part of the Mental Health Code which provided for the designation of a protection and advocacy agency for persons with developmental disabilities, and would amend the code instead to provide for the designation of a protection and advocacy agency which would provide services for both the developmentally disabled and the mentally ill. The agency would have the authority to pursue legal, administrative, and other appropriate remedies to protect the rights of these clients, would investigate allegations of abuse or neglect, and would be independent of any other state agency that provided treatment or services other than advocacy services. In addition, the bill provides for the designation of a liaison between the agency and the state departments and agencies that provide services to the agency's clients. The language of the bill closely parallels that of corresponding federal legislation.

MCL 330.1748 et al.

FISCAL IMPLICATIONS:

According to the Department of Mental Health, the Michigan Protection and Advocacy Service is at present under contract to the Department of Mental Health to provide services to persons with developmental disabilities, and to those who are mentally ill. The funds for the contract are a line item in the current fiscal year appropriations for the department. (6-2-87)

ARGUMENTS:

For:

Federal law authorizes the designation of an agency for the provision of protection and advocacy services for the mentally ill and persons with developmental disabilities. The corresponding federal funds that will flow to Michigan if the state designates such an agency would have a substantial impact on the rights of the agency's clients.

POSITIONS:

The Department of Mental Health supports the bill. (6-5-87)

The Michigan Protection and Advocacy Service supports the bill. (6-5-87)

The Michigan Department of Social Services takes no position on the bill. (6-5-87)

H.B. 4712 (6-9-87)