

REPRINT

**SUBSTITUTE FOR
SENATE BILL NO. 181**

(As Passed the Senate May 1, 1997)

A bill to amend 1974 PA 258, entitled
"Mental health code,"
by amending section[]476 [] (MCL 330.1476 []), as
amended by 1995 PA 290.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 476. (1) The hospital director may at any time dis-
2 charge a voluntarily or judicially hospitalized patient whom the
3 hospital director considers clinically suitable for discharge.

4 (2) The hospital director shall discharge a patient hospi-
5 talized by court order when the patient's mental condition is
6 such that he or she no longer meets the criteria of a person
7 requiring treatment.

8 (3) If a patient discharged under subsection (1) or (2) has
9 been hospitalized by court order, or if court proceedings are

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1 pending, the court shall be notified of the discharge by the
2 hospital.

3 (4) IF THE COURT ORDERS A PERSON TO BE HOSPITALIZED UNDER AN
4 INITIAL OR CONTINUING ORDER FOR HOSPITALIZATION SUBSEQUENT TO
5 DISMISSAL OF FELONY CHARGES UNDER SECTION 1044(1)(B), THE COURT
6 SHALL INCLUDE BOTH OF THE FOLLOWING STATEMENTS IN THE INITIAL OR
7 CONTINUING ORDER UNLESS THE TIME FOR PETITIONING TO REFILE
8 CHARGES UNDER SECTION 1044 HAS ELAPSED:

9 (A) A REQUIREMENT THAT NOT LESS THAN 30 DAYS BEFORE THE
10 PATIENT'S SCHEDULED RELEASE OR DISCHARGE, THE DIRECTOR OF THE
11 TREATING FACILITY SHALL NOTIFY THE PROSECUTOR'S OFFICE IN THE
12 COUNTY IN WHICH CHARGES AGAINST THE PERSON WERE ORIGINALLY
13 BROUGHT THAT THE PATIENT'S RELEASE OR DISCHARGE IS PENDING.

14 (B) A REQUIREMENT THAT NOT LESS THAN 30 DAYS BEFORE THE
15 SCHEDULED RELEASE OR DISCHARGE, THE PATIENT TO BE RELEASED OR
16 DISCHARGED UNDERGO A COMPETENCY EXAMINATION AS DESCRIBED IN SEC-
17 TION 1026. A COPY OF THE WRITTEN REPORT OF THE EXAMINATION ALONG
18 WITH THE NOTICE REQUIRED IN SUBDIVISION (A) SHALL BE SUBMITTED TO
19 THE PROSECUTOR'S OFFICE IN THE COUNTY IN WHICH THE CHARGES
20 AGAINST THE PATIENT WERE ORIGINALLY BROUGHT. THE WRITTEN REPORT
21 IS ADMISSIBLE AS PROVIDED IN SECTION 1030(3).

[(5) IF A PATIENT IS RELEASED FROM A HOSPITAL OPERATED BY THE
DEPARTMENT WITHIN 240 DAYS BEFORE THE HOSPITAL IS CLOSED AND IS
TRANSFERRED TO ANOTHER HOSPITAL OR OTHER FACILITY, THE DEPARTMENT SHALL
FILE A REPORT WITH THE LEGISLATURE. THE DEPARTMENT SHALL FILE THE
REPORT BY JANUARY 15 OF THE YEAR FOLLOWING THE YEAR IN WHICH THE
PATIENT WAS TRANSFERRED. THE DEPARTMENT SHALL INCLUDE ALL OF THE
FOLLOWING INFORMATION IN THE REPORT:

(A) THE NAME OF THE FACILITY TO WHICH THE PATIENT WAS
TRANSFERRED. AS USED IN THIS SUBSECTION, "FACILITY" MEANS A HOSPITAL
LICENSED OR OPERATED BY THE DEPARTMENT, A CENTER OPERATED BY THE
DEPARTMENT, OR A DEPENDENT LIVING SETTING.

(B) THE LOCATION OF THE FACILITY TO WHICH THE PATIENT WAS
TRANSFERRED.

(C) THE NUMBER OF PATIENTS OR RESIDENTS IN THE FACILITY TO
WHICH THE PATIENT WAS TRANSFERRED AT THE TIME THE PATIENT WAS
TRANSFERRED.

(D) THE TOTAL NUMBER OF PATIENTS TRANSFERRED TO THAT FACILITY
FROM THE HOSPITAL THAT CLOSED.

(E) THE TOTAL NUMBER OF PATIENTS TRANSFERRED FROM THE HOSPITAL
THAT CLOSED WHO RECEIVED COMMUNITY PLACEMENTS, BUT WHOSE PLACEMENT
PLANS NOTED BARRIERS TO COMMUNITY PLACEMENT.

22 ~~Sec. 525. (1) The director of a center may at any time dis-~~
23 ~~charge an administratively or judicially admitted resident whom~~
24 ~~the director considers suitable for discharge.~~

25 ~~(2) The director of a center shall discharge a resident~~
26 ~~admitted by court order when the resident no longer meets the~~
27 ~~criteria for judicial admission.~~

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1 ~~(3) If a resident discharged under subsection (1) or (2) has~~
2 ~~been admitted to a center by court order, or if court proceedings~~
3 ~~are pending, both the court and the community mental health serv-~~
4 ~~ices program shall be notified of the discharge by the center.~~

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