

**SUBSTITUTE FOR
HOUSE BILL NO. 5414**

A bill to amend 1974 PA 258, entitled
"Mental health code,"
by amending sections 100c and 100d (MCL 330.1100c and 330.1100d),
section 100c as amended by 2016 PA 320 and section 100d as amended
by 2015 PA 59.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 100c. (1) "Peace officer" means an officer of the
2 department of state police or of a law enforcement agency of a
3 county, township, city, or village who is responsible for the
4 prevention and detection of crime and enforcement of the criminal
5 laws of this state. For the purposes of sections 408, 426, 427a,
6 and 427b, peace officer also includes an officer of the United
7 States Secret Service with the officer's consent and a police



1 officer of the Veterans' Administration Medical Center Reservation.

2 (2) "Peer review" means a process, including the review
3 process required under section 143a, in which mental health
4 professionals of a state facility, licensed hospital, or community
5 mental health services program evaluate the clinical competence of
6 staff and the quality and appropriateness of care provided to
7 recipients. Peer review evaluations are confidential in accordance
8 with section 748(9) and are based on criteria established by the
9 facility or community mental health services program itself, the
10 accepted standards of the mental health professions, and the
11 department.

12 (3) "Person requiring treatment" means an individual who meets
13 the criteria described in section 401.

14 (4) "Physician" means an individual licensed or otherwise
15 authorized to engage in the practice of medicine under part 170 of
16 the public health code, 1978 PA 368, MCL 333.17001 to ~~333.17084,~~
17 **333.17097**, or to engage in the practice of osteopathic medicine and
18 surgery under part 175 of the public health code, 1978 PA 368, MCL
19 333.17501 to 333.17556.

20 (5) "Primary consumer" means an individual who has received or
21 is receiving services from the department or a community mental
22 health services program or services from the private sector
23 equivalent to those offered by the department or a community mental
24 health services program.

25 (6) "Priority" means preference for and dedication of a major
26 proportion of resources to specified populations or services.
27 Priority does not mean serving or funding the specified populations
28 or services to the exclusion of other populations or services.

29 (7) "Protective custody" means the temporary custody of an



1 individual by a peace officer with or without the individual's
2 consent for the purpose of protecting that individual's health and
3 safety, or the health and safety of the public, and for the purpose
4 of transporting the individual under section 276, 408, or 427 if
5 the individual appears, in the judgment of the peace officer, to be
6 a person requiring treatment or is a person requiring treatment.
7 Protective custody is civil in nature and is not an arrest.

8 (8) "Psychiatric unit" means a unit of a general hospital that
9 provides inpatient services for individuals with serious mental
10 illness or serious emotional disturbance. As used in this
11 subsection, "general hospital" means a hospital as defined in
12 section 20106 of the public health code, 1978 PA 368, MCL
13 333.20106.

14 (9) "Psychiatrist" means 1 or more of the following:

15 (a) A physician who has completed a residency program in
16 psychiatry approved by the Accreditation Council for Graduate
17 Medical Education or the American Osteopathic Association, or who
18 has completed 12 months of psychiatric rotation and is enrolled in
19 an approved residency program as described in this subdivision.

20 (b) A psychiatrist employed by or under contract with the
21 department or a community mental health services program on March
22 28, 1996.

23 (c) A physician who devotes a substantial portion of his or
24 her time to the practice of psychiatry and is approved by the
25 director.

26 (10) "Psychologist" means an individual who is licensed or
27 otherwise authorized to engage in the practice of psychology under
28 part 182 of the public health code, 1978 PA 368, MCL 333.18201 to
29 333.18237, and who devotes a substantial portion of his or her time



1 to the diagnosis and treatment of individuals with serious mental
2 illness, serious emotional disturbance, substance use disorder, or
3 developmental disability.

4 (11) "Recipient" means an individual who receives mental
5 health services, **either in person or through telemedicine**, from the
6 department, a community mental health services program, or a
7 facility or from a provider that is under contract with the
8 department or a community mental health services program. For the
9 purposes of this act, recipient does not include an individual
10 receiving substance use disorder services under chapter 2A unless
11 that individual is also receiving mental health services under this
12 act in conjunction with substance use disorder services.

13 (12) "Recipient rights advisory committee" means a committee
14 of a community mental health services program board appointed under
15 section 757 or a recipient rights advisory committee appointed by a
16 licensed hospital under section 758.

17 (13) "Recovery" means a highly individualized process of
18 healing and transformation by which the individual gains control
19 over his or her life. Related services include recovery management,
20 recovery support services, recovery houses or transitional living
21 programs, and relapse prevention. Recovery involves the development
22 of a new meaning, purpose, and growing beyond the impact of
23 addiction or a diagnosis. Recovery may include the pursuit of
24 spiritual, emotional, mental, or physical well-being.

25 (14) "Regional entity" means an entity established under
26 section 204b to provide specialty services and supports.

27 (15) "Rehabilitation" means the act of restoring an individual
28 to a state of mental and physical health or useful activity through
29 vocational or educational training, therapy, and counseling.



1 (16) "Resident" means an individual who receives services in a
2 facility.

3 (17) "Responsible mental health agency" means the hospital,
4 center, or community mental health services program that has
5 primary responsibility for the recipient's care or for the delivery
6 of services or supports to that recipient.

7 (18) "Rule" means a rule promulgated under the administrative
8 procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

9 Sec. 100d. (1) "Service" means a mental health service or a
10 substance use disorder service.

11 (2) "Serious emotional disturbance" means a diagnosable
12 mental, behavioral, or emotional disorder affecting a minor that
13 exists or has existed during the past year for a period of time
14 sufficient to meet diagnostic criteria specified in the most recent
15 Diagnostic and Statistical Manual of Mental Disorders published by
16 the American Psychiatric Association and approved by the department
17 and that has resulted in functional impairment that substantially
18 interferes with or limits the minor's role or functioning in
19 family, school, or community activities. The following disorders
20 are included only if they occur in conjunction with another
21 diagnosable serious emotional disturbance:

22 (a) A substance use disorder.

23 (b) A developmental disorder.

24 (c) "V" codes in the Diagnostic and Statistical Manual of
25 Mental Disorders.

26 (3) "Serious mental illness" means a diagnosable mental,
27 behavioral, or emotional disorder affecting an adult that exists or
28 has existed within the past year for a period of time sufficient to
29 meet diagnostic criteria specified in the most recent Diagnostic



1 and Statistical Manual of Mental Disorders published by the
2 American Psychiatric Association and approved by the department and
3 that has resulted in functional impairment that substantially
4 interferes with or limits 1 or more major life activities. Serious
5 mental illness includes dementia with delusions, dementia with
6 depressed mood, and dementia with behavioral disturbance but does
7 not include any other dementia unless the dementia occurs in
8 conjunction with another diagnosable serious mental illness. The
9 following disorders also are included only if they occur in
10 conjunction with another diagnosable serious mental illness:

11 (a) A substance use disorder.

12 (b) A developmental disorder.

13 (c) A "V" code in the Diagnostic and Statistical Manual of
14 Mental Disorders.

15 (4) "Special compensation" means payment to an adult foster
16 care facility to ensure the provision of a specialized program in
17 addition to the basic payment for adult foster care. Special
18 compensation does not include payment received directly from the
19 Medicaid program for personal care services for a resident, or
20 payment received under the supplemental security income program.

21 (5) "Specialized program" means a program of services,
22 supports, or treatment that are provided in an adult foster care
23 facility to meet the unique programmatic needs of individuals with
24 serious mental illness or developmental disability as set forth in
25 the resident's individual plan of services and for which the adult
26 foster care facility receives special compensation.

27 (6) "Specialized residential service" means a combination of
28 residential care and mental health services that are expressly
29 designed to provide rehabilitation and therapy to a recipient, that



1 are provided in the **recipient's** residence, ~~of the recipient,~~ and
2 that are part of a comprehensive individual plan of services.

3 (7) "State administered funds" means revenues appropriated by
4 the legislature exclusively for the purposes provided for in regard
5 to substance use disorder services and prevention.

6 (8) "State facility" means a center or a hospital operated by
7 the department.

8 (9) "State recipient rights advisory committee" means a
9 committee appointed by the director under section 756 to advise the
10 director and the director of the department's office of recipient
11 rights.

12 (10) "Substance abuse" means the taking of alcohol or other
13 drugs at dosages that place an individual's social, economic,
14 psychological, and physical welfare in potential hazard or to the
15 extent that an individual loses the power of self-control as a
16 result of the use of alcohol or drugs, or while habitually under
17 the influence of alcohol or drugs, endangers public health, morals,
18 safety, or welfare, or a combination thereof.

19 (11) "Substance use disorder" means chronic disorder in which
20 repeated use of alcohol, drugs, or both, results in significant and
21 adverse consequences. Substance use disorder includes substance
22 abuse.

23 (12) "Substance use disorder prevention services" means
24 services that are intended to reduce the consequences of substance
25 use disorders in communities by preventing or delaying the onset of
26 substance abuse and that are intended to reduce the progression of
27 substance use disorders in individuals. Substance use disorder
28 prevention is an ordered set of steps that promotes individual,
29 family, and community health, prevents mental and behavioral



1 disorders, supports resilience and recovery, and reinforces
2 treatment principles to prevent relapse.

3 (13) "Substance use disorder treatment and rehabilitation
4 services" means providing identifiable recovery-oriented services
5 including **the following:**

6 (a) Early intervention and crisis intervention counseling
7 services for individuals who are current or former individuals with
8 substance use disorder.

9 (b) Referral services for individuals with substance use
10 disorder, their families, and the general public.

11 (c) Planned treatment services, including chemotherapy,
12 counseling, or rehabilitation for individuals physiologically or
13 psychologically dependent upon or abusing alcohol or drugs.

14 (14) "Supplemental security income" means the program
15 authorized under title XVI of the social security act, 42 USC 1381
16 to 1383f.

17 (15) **"Telemedicine" means the use of an electronic media to**
18 **link patients with health care professionals in different**
19 **locations. To be considered telemedicine under this section, the**
20 **health care professional must be able to examine the patient via a**
21 **health insurance portability and accountability act of 1996, Public**
22 **Law 104-191 compliant, secure interactive audio or video, or both,**
23 **telecommunications system, or through the use of store and forward**
24 **online messaging.**

25 (16) ~~(15)~~ "Transfer facility" means a facility selected by the
26 department-designated community mental health entity, which
27 facility is physically located in a jail or lockup and is staffed
28 by at least 1 designated representative when in use according to
29 chapter 2A.



1 (17) ~~(16)~~—"Transition services" means a coordinated set of
2 activities for a special education student designed within an
3 outcome-oriented process that promotes movement from school to
4 postschool activities, including postsecondary education,
5 vocational training, integrated employment including supported
6 employment, continuing and adult education, adult services,
7 independent living, or community participation.

8 (18) ~~(17)~~—"Treatment" means care, diagnostic, and therapeutic
9 services, including ~~the~~ administration of drugs, and any other
10 service for ~~the~~ treatment of an individual's serious mental
11 illness, serious emotional disturbance, or substance use disorder.

12 (19) ~~(18)~~—"Urgent situation" means a situation in which an
13 individual is determined to be at risk of experiencing an emergency
14 situation in the near future if he or she does not receive care,
15 treatment, or support services.

16 (20) ~~(19)~~—"Wraparound services" means an individually designed
17 set of services provided to minors with serious emotional
18 disturbance or serious mental illness and their families that
19 includes treatment services and personal support services or any
20 other supports necessary to foster education preparedness,
21 employability, and preservation of the child in the family home.
22 Wraparound services are to be developed through an interagency
23 collaborative approach and a minor's parent or guardian and a minor
24 age 14 or older are to participate in planning the services.

