

**SENATE SUBSTITUTE FOR
HOUSE BILL NO. 5832**

A bill to amend 1974 PA 258, entitled "Mental health code," by amending sections 100a, 100b, 161, 409, and 439 (MCL 330.1100a, 330.1100b, 330.1161, 330.1409, and 330.1439), section 100a as amended by 2018 PA 595, section 100b as amended by 2020 PA 55, section 161 as amended by 2012 PA 500, section 409 as amended by 2018 PA 593, and section 439 as added by 1986 PA 118, and by adding sections 273a, 273b, 971, 972, 973, 974, 975, 976, 977, 978, and 979.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 100a. (1) "Abilities" means the qualities, skills, and
- 2 competencies of an individual that reflect the individual's talents
- 3 and acquired proficiencies.

1 (2) "Abuse" means nonaccidental physical or emotional harm to
2 a recipient, or sexual contact with or sexual penetration of a
3 recipient as those terms are defined in section 520a of the
4 Michigan penal code, 1931 PA 328, MCL 750.520a, that is committed
5 by an employee or volunteer of the department, a community mental
6 health services program, or a licensed hospital or by an employee
7 or volunteer of a service provider under contract with the
8 department, community mental health services program, or licensed
9 hospital.

10 (3) "Adaptive skills" means skills in 1 or more of the
11 following areas:

- 12 (a) Communication.
- 13 (b) Self-care.
- 14 (c) Home living.
- 15 (d) Social skills.
- 16 (e) Community use.
- 17 (f) Self-direction.
- 18 (g) Health and safety.
- 19 (h) Functional academics.
- 20 (i) Leisure.
- 21 (j) Work.

22 (4) "Adult foster care facility" means an adult foster care
23 facility licensed under the adult foster care facility licensing
24 act, 1979 PA 218, MCL 400.701 to 400.737.

25 (5) "Alcohol and drug abuse counseling" means the act of
26 counseling, modification of substance use disorder related
27 behavior, and prevention techniques for individuals with substance
28 use disorder, their significant others, and individuals who could
29 potentially develop a substance use disorder.

1 (6) "Applicant" means an individual or his or her legal
2 representative who makes a request for mental health services.

3 (7) "Approved service program" means a substance use disorder
4 services program licensed under part 62 of the public health code,
5 1978 PA 368, MCL 333.6230 to 333.6251, to provide substance use
6 disorder treatment and rehabilitation services by the department-
7 designated community mental health entity and approved by the
8 federal government to deliver a service or combination of services
9 for the treatment of incapacitated individuals.

10 (8) "Assisted outpatient treatment" or "AOT" means the
11 categories of outpatient services ordered by the court under
12 section 468 or 469a. Assisted outpatient treatment may include a
13 case management plan and case management services to provide care
14 coordination under the supervision of a psychiatrist and developed
15 in accordance with person-centered planning under section 712.
16 Assisted outpatient treatment may also include 1 or more of the
17 following categories of services: medication; periodic blood tests
18 or urinalysis to determine compliance with prescribed medications;
19 individual or group therapy; day or partial day programming
20 activities; vocational, educational, or self-help training or
21 activities; assertive community treatment team services; alcohol or
22 substance use disorder treatment and counseling and periodic tests
23 for the presence of alcohol or illegal drugs for an individual with
24 a history of alcohol abuse or substance use disorder; supervision
25 of living arrangements; and any other services within a local or
26 unified services plan developed under this act that are prescribed
27 to treat the individual's mental illness and to assist the
28 individual in living and functioning in the community or to attempt
29 to prevent a relapse or deterioration that may reasonably be

1 predicted to result in suicide, the need for hospitalization, or
2 serious violent behavior. The medical review and direction included
3 in an assisted outpatient treatment plan shall be provided under
4 the supervision of a psychiatrist.

5 (9) "Board" means the governing body of a community mental
6 health services program.

7 (10) "Board of commissioners" means a county board of
8 commissioners.

9 (11) "Center" means a facility operated by the department to
10 admit individuals with developmental disabilities and provide
11 habilitation and treatment services.

12 (12) "Certification" means formal approval of a program by the
13 department in accordance with standards developed or approved by
14 the department.

15 (13) "Child abuse" and "child neglect" mean those terms as
16 defined in section 2 of the child protection law, 1975 PA 238, MCL
17 722.622.

18 (14) "Child and adolescent psychiatrist" means 1 or more of
19 the following:

20 (a) A physician who has completed a residency program in child
21 and adolescent psychiatry approved by the Accreditation Council for
22 Graduate Medical Education or the American Osteopathic Association,
23 or who has completed 12 months of child and adolescent psychiatric
24 rotation and is enrolled in an approved residency program as
25 described in this subsection.

26 (b) A psychiatrist employed by or under contract as a child
27 and adolescent psychiatrist with the department or a community
28 mental health services program on March 28, 1996, who has education
29 and clinical experience in the evaluation and treatment of children

1 or adolescents with serious emotional disturbance.

2 (c) A psychiatrist who has education and clinical experience
3 in the evaluation and treatment of children or adolescents with
4 serious emotional disturbance who is approved by the director.

5 (15) "Children's diagnostic and treatment service" means a
6 program operated by or under contract with a community mental
7 health services program, that provides examination, evaluation, and
8 referrals for minors, including emergency referrals, that provides
9 or facilitates treatment for minors, and that has been certified by
10 the department.

11 (16) "Community mental health authority" means a separate
12 legal public governmental entity created under section 205 to
13 operate as a community mental health services program.

14 (17) "Community mental health organization" means a community
15 mental health services program that is organized under the urban
16 cooperation act of 1967, 1967 (Ex Sess) PA 7, MCL 124.501 to
17 124.512.

18 (18) "Community mental health services program" means a
19 program operated under chapter 2 as a county community mental
20 health agency, a community mental health authority, or a community
21 mental health organization.

22 (19) "Consent" means a written agreement executed by a
23 recipient, a minor recipient's parent, a recipient's legal
24 representative with authority to execute a consent, or a full or
25 limited guardian authorized under the estates and protected
26 individuals code, 1998 PA 386, MCL 700.1101 to 700.8206, with the
27 authority to consent, or a verbal agreement of a recipient that is
28 witnessed and documented by an individual other than the individual
29 providing treatment.

1 (20) "County community mental health agency" means an official
2 county or multicounty agency created under section 210 that
3 operates as a community mental health services program and that has
4 not elected to become a community mental health authority or a
5 community mental health organization.

6 **(21) "Crisis stabilization unit" means a prescreening unit**
7 **established under section 409 or a facility certified under chapter**
8 **9A that provides unscheduled clinical services designed to prevent**
9 **or ameliorate a behavioral health crisis or reduce acute symptoms**
10 **on an immediate, intensive, and time-limited basis in response to a**
11 **crisis situation.**

12 (22) ~~(21)~~"Department" means the department of health and
13 human services.

14 (23) ~~(22)~~"Department-designated community mental health
15 entity" means the community mental health authority, community
16 mental health organization, community mental health services
17 program, county community mental health agency, or community mental
18 health regional entity designated by the department to represent a
19 region of community mental health authorities, community mental
20 health organizations, community mental health services programs, or
21 county community mental health agencies.

22 (24) ~~(23)~~"Dependent living setting" means all of the
23 following:

24 (a) An adult foster care facility.

25 (b) A nursing home licensed under part 217 of the public
26 health code, 1978 PA 368, MCL 333.21701 to 333.21799e.

27 (c) A home for the aged licensed under part 213 of the public
28 health code, 1978 PA 368, MCL 333.21301 to 333.21335.

29 (25) ~~(24)~~"Designated representative" means any of the

1 following:

2 (a) A registered nurse or licensed practical nurse licensed or
3 otherwise authorized under part 172 of the public health code, 1978
4 PA 368, MCL 333.17201 to 333.17242.

5 (b) A paramedic licensed or otherwise authorized under part
6 209 of the public health code, 1978 PA 368, MCL 333.20901 to
7 333.20979.

8 (c) A physician's assistant licensed or otherwise authorized
9 under part 170 or 175 of the public health code, 1978 PA 368, MCL
10 333.17001 to ~~333.17084~~ **333.17097** and 333.17501 to 333.17556.

11 (d) An individual qualified by education, training, and
12 experience who performs acts, tasks, or functions under the
13 supervision of a physician.

14 **(26)** ~~(25)~~ "Developmental disability" means either of the
15 following:

16 (a) If applied to an individual older than 5 years of age, a
17 severe, chronic condition that meets all of the following
18 requirements:

19 (i) Is attributable to a mental or physical impairment or a
20 combination of mental and physical impairments.

21 (ii) Is manifested before the individual is 22 years old.

22 (iii) Is likely to continue indefinitely.

23 (iv) Results in substantial functional limitations in 3 or more
24 of the following areas of major life activity:

25 (A) Self-care.

26 (B) Receptive and expressive language.

27 (C) Learning.

28 (D) Mobility.

29 (E) Self-direction.

1 (F) Capacity for independent living.

2 (G) Economic self-sufficiency.

3 (v) Reflects the individual's need for a combination and
4 sequence of special, interdisciplinary, or generic care, treatment,
5 or other services that are of lifelong or extended duration and are
6 individually planned and coordinated.

7 (b) If applied to a minor from birth to 5 years of age, a
8 substantial developmental delay or a specific congenital or
9 acquired condition with a high probability of resulting in
10 developmental disability as defined in subdivision (a) if services
11 are not provided.

12 (27) ~~(26)~~—"Director" means the director of the department or
13 his or her designee.

14 (28) ~~(27)~~—"Discharge" means an absolute, unconditional release
15 of an individual from a facility by action of the facility or a
16 court.

17 (29) ~~(28)~~—"Eligible minor" means an individual less than 18
18 years of age who is recommended in the written report of a
19 multidisciplinary team under rules promulgated by the department of
20 education to be classified as 1 of the following:

21 (a) Severely mentally impaired.

22 (b) Severely multiply impaired.

23 (c) Autistic impaired and receiving special education services
24 in a program designed for the autistic impaired under ~~subsection~~
25 ~~(1)~~ of R 340.1758 of the Michigan Administrative Code or in a
26 program designed for the severely mentally impaired or severely
27 multiply impaired.

28 (30) ~~(29)~~—"Emergency situation" means a situation in which an
29 individual is experiencing a serious mental illness or a

1 developmental disability, or a minor is experiencing a serious
2 emotional disturbance, and 1 of the following applies:

3 (a) The individual can reasonably be expected within the near
4 future to physically injure himself, herself, or another
5 individual, either intentionally or unintentionally.

6 (b) The individual is unable to provide himself or herself
7 food, clothing, or shelter or to attend to basic physical
8 activities such as eating, toileting, bathing, grooming, dressing,
9 or ambulating, and this inability may lead in the near future to
10 harm to the individual or to another individual.

11 (c) The individual has mental illness that has impaired his or
12 her judgment so that the individual is unable to understand his or
13 her need for treatment and presents a risk of harm.

14 **(31)** ~~(30)~~ "Executive director" means an individual appointed
15 under section 226 to direct a community mental health services
16 program or his or her designee.

17 Sec. 100b. (1) ~~"Facility"~~ **Except as otherwise provided in this**
18 **subsection, "facility"** means a residential facility for the care or
19 treatment of individuals with serious mental illness, serious
20 emotional disturbance, or developmental disability that is either a
21 state facility or a licensed facility. **Facility includes a**
22 **preadmission screening unit established under section 409 that is**
23 **operating a crisis stabilization unit.**

24 (2) "Family" as used in sections 156 to 161 means an eligible
25 minor and his or her parent or legal guardian.

26 (3) "Family member" means a parent, stepparent, spouse,
27 sibling, child, or grandparent of a primary consumer, or an
28 individual upon whom a primary consumer is dependent for at least
29 50% of his or her financial support.

1 (4) "Federal funds" means funds received from the federal
2 government under a categorical grant or similar program and does
3 not include federal funds received under a revenue sharing
4 arrangement.

5 (5) "Functional impairment" means both of the following:

6 (a) With regard to serious emotional disturbance, substantial
7 interference with or limitation of a minor's achievement or
8 maintenance of 1 or more developmentally appropriate social,
9 behavioral, cognitive, communicative, or adaptive skills.

10 (b) With regard to serious mental illness, substantial
11 interference or limitation of role functioning in 1 or more major
12 life activities including basic living skills such as eating,
13 bathing, and dressing; instrumental living skills such as
14 maintaining a household, managing money, getting around the
15 community, and taking prescribed medication; and functioning in
16 social, vocational, and educational contexts.

17 (6) "Guardian" means a person appointed by the court to
18 exercise specific powers over an individual who is a minor, legally
19 incapacitated, or developmentally disabled.

20 (7) "Hospital" or "psychiatric hospital" means an inpatient
21 program operated by the department for the treatment of individuals
22 with serious mental illness or serious emotional disturbance or a
23 psychiatric hospital or psychiatric unit licensed under section
24 137.

25 (8) "Hospital director" means the chief administrative officer
26 of a hospital or his or her designee.

27 (9) "Hospitalization" or "hospitalize" means to provide
28 treatment for an individual as an inpatient in a hospital.

29 (10) "Incapacitated" means that an individual, as a result of

1 the use of alcohol or other drugs, is unconscious or has his or her
2 mental or physical functioning so impaired that he or she either
3 poses an immediate and substantial danger to his or her own health
4 and safety or is endangering the health and safety of the public.

5 (11) "Individual plan of services" or "plan of services" means
6 a written individual plan of services developed with a recipient as
7 required by section 712.

8 (12) "Individual representative" means a recipient's legal
9 guardian, minor recipient's parent, or other person authorized by
10 law to represent the recipient in decision-making related to the
11 recipient's services and supports.

12 (13) "Intellectual disability" means a condition manifesting
13 before the age of 18 years that is characterized by significantly
14 subaverage intellectual functioning and related limitations in 2 or
15 more adaptive skills and that is diagnosed based on the following
16 assumptions:

17 (a) Valid assessment considers cultural and linguistic
18 diversity, as well as differences in communication and behavioral
19 factors.

20 (b) The existence of limitation in adaptive skills occurs
21 within the context of community environments typical of the
22 individual's age peers and is indexed to the individual's
23 particular needs for support.

24 (c) Specific adaptive skill limitations often coexist with
25 strengths in other adaptive skills or other personal capabilities.

26 (d) With appropriate supports over a sustained period, the
27 life functioning of the individual with an intellectual disability
28 will generally improve.

29 (14) "Licensed facility" means a facility licensed by the

1 department under section 137 or an adult foster care facility.

2 (15) "Licensed psychologist" means a doctoral level
3 psychologist licensed under section 18223(1) of the public health
4 code, 1978 PA 368, MCL 333.18223.

5 (16) "Mediation" means a confidential process in which a
6 neutral third party facilitates communication between parties,
7 assists in identifying issues, and helps explore solutions to
8 promote a mutually acceptable resolution. A mediator does not have
9 authoritative decision-making power.

10 (17) **"Medicaid" means the program of medical assistance**
11 **established under section 105 of the social welfare act, 1939 PA**
12 **280, MCL 400.105.**

13 (18) ~~(17)~~—"Medical director" means a psychiatrist appointed
14 under section 231 to advise the executive director of a community
15 mental health services program.

16 (19) ~~(18)~~—"Mental health professional" means an individual who
17 is trained and experienced in the area of mental illness or
18 developmental disabilities and who is 1 of the following:

19 (a) A physician.

20 (b) A psychologist.

21 (c) A registered professional nurse licensed or otherwise
22 authorized to engage in the practice of nursing under part 172 of
23 the public health code, 1978 PA 368, MCL 333.17201 to 333.17242.

24 (d) A licensed master's social worker licensed or otherwise
25 authorized to engage in the practice of social work at the master's
26 level under part 185 of the public health code, 1978 PA 368, MCL
27 333.18501 to 333.18518.

28 (e) A licensed professional counselor licensed or otherwise
29 authorized to engage in the practice of counseling under part 181

1 of the public health code, 1978 PA 368, MCL 333.18101 to 333.18117.

2 (f) A marriage and family therapist licensed or otherwise
3 authorized to engage in the practice of marriage and family therapy
4 under part 169 of the public health code, 1978 PA 368, MCL
5 333.16901 to 333.16915.

6 (20) ~~(19)~~—"Minor" means an individual under the age of 18
7 years.

8 (21) ~~(20)~~—"Multicultural services" means specialized mental
9 health services for multicultural populations such as African-
10 Americans, Hispanics, Native Americans, Asian and Pacific
11 Islanders, and Arab/Chaldean-Americans.

12 (22) ~~(21)~~—"Neglect" means an act or failure to act committed
13 by an employee or volunteer of the department, a community mental
14 health services program, or a licensed hospital; a service provider
15 under contract with the department, a community mental health
16 services program, or a licensed hospital; or an employee or
17 volunteer of a service provider under contract with the department,
18 a community mental health services program, or a licensed hospital,
19 that denies a recipient the standard of care or treatment to which
20 he or she is entitled under this act.

21 Sec. 161. In conjunction with community mental health services
22 programs, the department ~~shall~~**must** conduct annually and forward to
23 the governor and the house **of representatives** and senate
24 appropriations committees, and the senate and house **of**
25 **representatives** committees with legislative oversight of human
26 services and mental health, an evaluation of the family support
27 subsidy program that shall include, but is not limited to, all of
28 the following:

29 (a) The impact of the family support subsidy program upon

1 children covered by this act in facilities and residential care
 2 programs including, to the extent possible, sample case reviews of
 3 families who choose not to participate.

4 (b) Case reviews of families who voluntarily terminate
 5 participation in the family support subsidy program for any reason,
 6 particularly ~~when~~ **if** the eligible minor is placed out of the family
 7 home, including the involvement of the department and community
 8 mental health services programs in offering suitable alternatives.

9 (c) Sample assessments of families receiving family support
 10 subsidy payments including adequacy of subsidy and need for
 11 services not available.

12 (d) The efforts to encourage program participation of eligible
 13 families.

14 (e) The geographic distribution of families receiving subsidy
 15 payments and, to the extent possible, eligible minors presumed to
 16 be eligible for family support subsidy payments.

17 (f) Programmatic and legislative recommendations to further
 18 assist families in providing care for eligible minors.

19 (g) Problems that arise in identifying eligible minors through
 20 diagnostic evaluations performed under rules promulgated by the
 21 department of education.

22 (h) The number of beds reduced in state facilities and foster
 23 care facilities serving severely mentally, multiply, and autistic
 24 impaired children when the children return home to their natural
 25 families as a result of the **family support** subsidy program.

26 (i) Caseload figures by eligibility category as described in
 27 section ~~100a(28)~~ **100a(29)**.

28 **Sec. 273a. Subject to appropriation, the department shall**
 29 **create and operate a grant program to provide grants to high**

1 schools that are specifically designated for students recovering
2 from a substance use disorder. Each year from available funds, the
3 department shall award grants under this section to support the
4 costs of counselors, therapeutic staff, and recovery coaching staff
5 at high schools described in this section. In granting an
6 application, the department shall place a priority based on the
7 applicant's cost of providing substance use disorder counselors.
8 Each grant that the department awards under this section shall not
9 exceed \$150,000.00 per applicant.

10 Sec. 273b. Subject to appropriation, the department shall
11 create and operate a competitive grant program to provide grants to
12 recovery community organizations. Each year from available funds,
13 the department shall award grants under this section to recovery
14 community organizations to offer or expand recovery support center
15 services or recovery community center services to individuals
16 seeking long-term recovery from substance use disorders. Each grant
17 that the department awards under this section shall not exceed
18 \$150,000.00 per applicant. In awarding a grant, the department
19 shall place priority on recovery community organizations that do
20 all of the following:

21 (a) Provide recovery support navigation that includes the
22 following:

23 (i) Multiple recovery pathways.

24 (ii) Assistance for individuals navigating recovery resources
25 such as detoxification, treatment, recovery housing, support
26 groups, peer support, and family support.

27 (iii) The promotion of community wellness and engagement.

28 (iv) Recovery advocacy that provides hope and encourages
29 recovery.

1 (v) A peer-led, peer-driven organization that offers recovery
2 to any individual seeking recovery from addiction.

3 (b) Provide recovery outreach education that includes the
4 following:

5 (i) On-site recovery education in the workplace.

6 (ii) All-staff employee meetings.

7 (iii) On-site support for employees and family members.

8 (iv) Connections for employees and family members of employees
9 suffering from addiction to local recovery resources such as
10 treatment, recovery housing, and support groups.

11 (v) Connections with employers to provide recovery advocacy.

12 (c) Provide recovery activities and events that include the
13 following:

14 (i) Safe, ongoing recovery activities and events.

15 (ii) Opportunities to volunteer and participate in activities
16 and events.

17 (iii) Opportunities for family members and supporters of
18 recovery to be involved.

19 (iv) Meetings and activities on nutrition, health, and
20 wellness.

21 (v) Meetings and activities on mindfulness, meditation, and
22 yoga.

23 Sec. 409. (1) Each community mental health services program
24 shall establish 1 or more preadmission screening units with 24-hour
25 availability to provide assessment and screening services for
26 individuals being considered for admission into hospitals, ~~or~~
27 assisted outpatient treatment programs, **or crisis services on a**
28 **voluntary basis**. The community mental health services program shall

1 employ mental health professionals or licensed bachelor's social
2 workers licensed under part 185 of the public health code, 1978 PA
3 368, MCL 333.18501 to 333.18518, to provide the preadmission
4 screening services or contract with another agency that meets the
5 requirements of this section. Preadmission screening unit staff
6 shall be supervised by a registered professional nurse or other
7 mental health professional possessing at least a master's degree.

8 (2) Each community mental health services program shall
9 provide the address and telephone number of its preadmission
10 screening unit or units to law enforcement agencies, the
11 department, the court, and hospital emergency rooms.

12 (3) A preadmission screening unit shall assess an individual
13 being considered for admission into a hospital operated by the
14 department or under contract with the community mental health
15 services program. If the individual is clinically suitable for
16 hospitalization, the preadmission screening unit shall authorize
17 voluntary admission to the hospital.

18 (4) If the preadmission screening unit of the community mental
19 health services program denies hospitalization, the individual or
20 the person making the application may request a second opinion from
21 the executive director. The executive director shall arrange for an
22 additional evaluation by a psychiatrist, other physician, or
23 licensed psychologist to be performed within 3 days, excluding
24 Sundays and legal holidays, after the executive director receives
25 the request. If the conclusion of the second opinion is different
26 from the conclusion of the preadmission screening unit, the
27 executive director, in conjunction with the medical director, shall
28 make a decision based on all clinical information available. The
29 executive director's decision shall be confirmed in writing to the

1 individual who requested the second opinion, and the confirming
2 document shall include the signatures of the executive director and
3 medical director or verification that the decision was made in
4 conjunction with the medical director. If an individual is assessed
5 and found not to be clinically suitable for hospitalization, the
6 preadmission screening unit shall provide appropriate referral
7 services.

8 (5) If an individual is assessed and found not to be
9 clinically suitable for hospitalization, the preadmission screening
10 unit shall provide information regarding alternative services and
11 the availability of those services, and make appropriate referrals.

12 (6) A preadmission screening unit shall assess and examine, or
13 refer to a hospital for examination, an individual who is brought
14 to the **preadmission screening** unit by a peace officer or ordered by
15 a court to be examined. If the individual meets the requirements
16 for hospitalization, the preadmission screening unit shall
17 designate the hospital to which the individual shall be admitted.
18 The preadmission screening unit shall consult with the individual
19 and, if the individual agrees, ~~it shall~~ **the preadmission screening**
20 **unit must** consult with the individual's family member of choice, if
21 available, as to the preferred hospital for admission of the
22 individual.

23 (7) **A preadmission screening unit may operate a crisis**
24 **stabilization unit under chapter 9A. A preadmission screening unit**
25 **may provide crisis services to an individual, who by assessment and**
26 **screening, is found to be a person requiring treatment. Crisis**
27 **services at a crisis stabilization unit must entail an initial**
28 **psychosocial assessment by a master's level mental health**
29 **professional and a psychiatric evaluation within 24 hours to**

1 stabilize the individual. In this event, crisis services may be
 2 provided for a period of up to 72 hours, after which the individual
 3 must be provided with the clinically appropriate level of care,
 4 resulting in 1 of the following:

5 (a) The individual is no longer a person requiring treatment.

6 (b) A referral to outpatient services for aftercare treatment.

7 (c) A referral to a partial hospitalization program.

8 (d) A referral to a residential treatment center, including
 9 crisis residential services.

10 (e) A referral to an inpatient bed.

11 (f) An order for involuntary treatment of the individual has
 12 been issued under section 281b, 281c, former 433, or 434.

13 (8) A preadmission screening unit operating a crisis
 14 stabilization unit under chapter 9A may also offer crisis services
 15 to an individual who is not a person requiring treatment, but who
 16 is seeking crisis services on a voluntary basis.

17 (9) ~~(7)~~—If the individual chooses a hospital not under
 18 contract with a community mental health services program, and the
 19 hospital agrees to the admission, the preadmission screening unit
 20 shall refer the individual to the hospital that is requested by the
 21 individual. Any financial obligation for the services provided by
 22 the hospital shall be satisfied from funding sources other than the
 23 community mental health services program, the department, or other
 24 state or county funding.

25 Sec. 439. **(1)** A cause of action ~~shall~~ **is** not be cognizable ~~in~~
 26 ~~a court of this state~~ against a person who in good faith files a
 27 petition under this chapter alleging that an individual is a person
 28 requiring treatment, unless the petition is filed as the result of
 29 an act or omission amounting to gross negligence or willful and

1 wanton misconduct.

2 (2) A cause of action is not cognizable against a preadmission
3 screening unit or its employees or contractors or a crisis
4 stabilization unit or its employees or contractors, who in good
5 faith makes a determination as to whether an individual is a person
6 requiring treatment or not, unless the determination is the result
7 of an act or omission amounting to gross negligence or willful and
8 wanton misconduct.

9 Chapter 9A

10 CRISIS STABILIZATION UNITS

11 Sec. 971. (1) The department shall provide for certification
12 of crisis stabilization units under this chapter to provide crisis
13 services in a community-based setting. An individual receiving
14 services in a crisis stabilization unit is a recipient of mental
15 health services under chapter 7 and is afforded all rights afforded
16 to a recipient of mental health services.

17 (2) Crisis services include clinical services as a short-term
18 alternative to inpatient psychiatric hospitalization provided by a
19 mental health professional under the supervision of a psychiatrist
20 in the least restrictive environment as determined by the mental
21 health professional. The primary objective of crisis services is
22 prompt assessment, stabilization, and determination of the
23 appropriate level of care. The main desired outcome of crisis
24 services is to avoid unnecessary hospitalization for an individual
25 whose crisis may resolve with time, observation, and treatment.

26 (3) A psychiatric hospital or general hospital may establish
27 and operate a crisis stabilization unit under this chapter. As used
28 in this subsection, "general hospital" means hospital as that term
29 is defined in section 20106 of the public health code, 1978 PA 368,

1 MCL 333.20106.

2 Sec. 972. The department shall establish minimum standards and
3 requirements for certifying a crisis stabilization unit. Standards
4 and requirements include, but are not limited to, the following:

5 (a) A standard requiring the capacity to carry out emergency
6 receiving and evaluating functions but not to the extent that
7 brings the crisis stabilization unit under the provisions of
8 section 1867 of the social security act, 42 USC 1395dd.

9 (b) Standards requiring implementation of voluntary and
10 involuntary admission consistent with section 409.

11 (c) A prohibition from holding itself out as a hospital or
12 from billing for hospital or inpatient services.

13 (d) Standards to prevent inappropriate referral between
14 entities of common ownership.

15 (e) Standards regarding maximum length of stay at a crisis
16 stabilization unit with discharge planning upon intake to a
17 clinically appropriate level of care consistent with section
18 409(7).

19 (f) Standards of billing for services rendered at a crisis
20 stabilization unit.

21 (g) Standards for reimbursement of services for uninsured
22 individuals, underinsured individuals, or both, and Medicaid
23 beneficiaries, including, but not limited to, formal agreements
24 with community mental health services programs or regional entities
25 for services provided to individuals utilizing public behavioral
26 health funds, outreach and enrollment for eligible health coverage,
27 annual rate setting, proper communication with payers, and methods
28 for resolving billing disputes between providers and payers.

29 (h) Physician oversight requirements.

1 (i) Nursing services.

2 (j) Staff to client ratios.

3 (k) Standards requiring a minimum amount of psychiatric
4 supervision of an individual receiving services in the crisis
5 stabilization unit that are consistent with the supervision
6 requirements applicable in a psychiatric hospital or psychiatric
7 unit setting.

8 (l) Standards requiring implementation and posting of
9 recipients' rights under chapter 7.

10 (m) Safety and emergency protocols.

11 (n) Pharmacy services.

12 (o) Standards addressing administration of medication.

13 (p) Standards for reporting to the department.

14 (q) Standards regarding a departmental complain process and
15 procedure affording patients the right to file complaints for
16 failure to provide services in accordance with required
17 certification standards. The complaint process and procedure must
18 be established and maintained by the department, must remain
19 separate and distinct from providers delivering services under this
20 chapter, and must not be a function delegated to a community mental
21 health services program or an entity under contract with a
22 community mental health services program. The complaint process
23 must provide for a system of appeals and administrative finality.

24 Sec. 973. Unless licensed under part 62 of the public health
25 code, 1978 PA 368, MCL 333.6230 to 333.6251, a crisis stabilization
26 unit that is not also a preadmission screening unit shall not
27 provide substance use disorder services described in chapter 2A
28 under this certification without first obtaining the required
29 license. If substance use disorder prevention services or substance

1 use disorder treatment and rehabilitation services, or both, are
2 provided, the crisis stabilization unit must obtain a license as
3 required under section 6233 of the public health code, 1978 PA 368,
4 MCL 333.6233.

5 Sec. 974. (1) An entity must not operate as a crisis
6 stabilization unit without having a certification issued under this
7 chapter.

8 (2) An application for certification to operate a crisis
9 stabilization unit must be submitted to the department in the
10 manner prescribed by the department.

11 Sec. 975. (1) The department must issue a certification to an
12 applicant who meets all the standards and requirements set forth by
13 the department for certifying a crisis stabilization unit.

14 (2) A certification issued under this chapter is not
15 transferable to another crisis stabilization unit for the purpose
16 of facilitating a change in location or a change in the governing
17 body.

18 Sec. 976. Each certified crisis stabilization unit must allow
19 an authorized department representative to enter upon and inspect
20 all of the premises for which a certification has been granted or
21 applied for under this chapter.

22 Sec. 977. (1) The department may deny an application for
23 certification under this chapter that does not meet all the
24 standards and requirements set forth by the department for a crisis
25 stabilization unit. The department may suspend or revoke a
26 certification that has been issued under this chapter if an
27 applicant or a certified crisis stabilization unit violates a
28 provision of this chapter or a standard or requirement set forth by
29 the department under this chapter.

1 (2) Before an order is entered denying a certification
2 application or suspending or revoking a certification previously
3 granted, the applicant or party with a certification must have an
4 opportunity for a hearing. A hearing under this section is subject
5 to the provisions governing a contested case under the
6 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to
7 24.328.

8 Sec. 978. A crisis stabilization unit certified under this
9 chapter is exempt from the requirement of obtaining a certificate
10 of need.

11 Sec. 979. A crisis stabilization unit must obtain and maintain
12 accreditation from 1 of the following within 3 years after initial
13 certification or within 3 years after the effective date of the
14 amendatory act that added this chapter:

15 (a) Behavioral health care accreditation for crisis
16 stabilization from the Joint Commission on Accreditation of
17 Healthcare Organizations.

18 (b) Behavioral health accreditation for crisis stabilization
19 by the Commission on Accreditation of Rehabilitation Facilities,
20 CARF International.

21 (c) Accreditation from an organization with similar standards
22 as the organizations described in subdivisions (a) and (b) that is
23 approved by the director.