

# HOUSE BILL NO. 5414

January 28, 2020, Introduced by Reps. Green, Liberati, Whiteford, Wozniak and Vaupel and referred to the Committee on Health Policy.

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



1 laws of this state. For the purposes of sections 408, 426, 427a,  
2 and 427b, peace officer also includes an officer of the United  
3 States Secret Service with the officer's consent and a police  
4 officer of the Veterans' Administration Medical Center Reservation.

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

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

17 (4) "Physician" means an individual licensed or otherwise  
18 authorized to engage in the practice of medicine under part 170 of  
19 the public health code, 1978 PA 368, MCL 333.17001 to ~~333.17084,~~  
20 **333.17097**, or to engage in the practice of osteopathic medicine and  
21 surgery under part 175 of the public health code, 1978 PA 368, MCL  
22 333.17501 to 333.17556.

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

28 (6) "Priority" means preference for and dedication of a major  
29 proportion of resources to specified populations or services.



1 Priority does not mean serving or funding the specified populations  
2 or services to the exclusion of other populations or services.

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

11 (8) "Psychiatric unit" means a unit of a general hospital that  
12 provides inpatient services for individuals with serious mental  
13 illness or serious emotional disturbance. As used in this  
14 subsection, "general hospital" means a hospital as defined in  
15 section 20106 of the public health code, 1978 PA 368, MCL  
16 333.20106.

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

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

23 (b) A psychiatrist employed by or under contract with the  
24 department or a community mental health services program on March  
25 28, 1996.

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

29 (10) "Psychologist" means an individual who is licensed or



1 otherwise authorized to engage in the practice of psychology under  
2 part 182 of the public health code, 1978 PA 368, MCL 333.18201 to  
3 333.18237, and who devotes a substantial portion of his or her time  
4 to the diagnosis and treatment of individuals with serious mental  
5 illness, serious emotional disturbance, substance use disorder, or  
6 developmental disability.

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

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

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

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



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

4 (16) "Resident" means an individual who receives services in a  
5 facility.

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

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

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

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

25 (a) A substance use disorder.

26 (b) A developmental disorder.

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

29 (3) "Serious mental illness" means a diagnosable mental,



1 behavioral, or emotional disorder affecting an adult that exists or  
2 has existed within the past year for a period of time sufficient to  
3 meet diagnostic criteria specified in the most recent Diagnostic  
4 and Statistical Manual of Mental Disorders published by the  
5 American Psychiatric Association and approved by the department and  
6 that has resulted in functional impairment that substantially  
7 interferes with or limits 1 or more major life activities. Serious  
8 mental illness includes dementia with delusions, dementia with  
9 depressed mood, and dementia with behavioral disturbance but does  
10 not include any other dementia unless the dementia occurs in  
11 conjunction with another diagnosable serious mental illness. The  
12 following disorders also are included only if they occur in  
13 conjunction with another diagnosable serious mental illness:

14 (a) A substance use disorder.

15 (b) A developmental disorder.

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

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

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



1 (6) "Specialized residential service" means a combination of  
2 residential care and mental health services that are expressly  
3 designed to provide rehabilitation and therapy to a recipient, that  
4 are provided in the **recipient's** residence, ~~of the recipient,~~ and  
5 that are part of a comprehensive individual plan of services.

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

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

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

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

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

26 (12) "Substance use disorder prevention services" means  
27 services that are intended to reduce the consequences of substance  
28 use disorders in communities by preventing or delaying the onset of  
29 substance abuse and that are intended to reduce the progression of



1 substance use disorders in individuals. Substance use disorder  
2 prevention is an ordered set of steps that promotes individual,  
3 family, and community health, prevents mental and behavioral  
4 disorders, supports resilience and recovery, and reinforces  
5 treatment principles to prevent relapse.

6 (13) "Substance use disorder treatment and rehabilitation  
7 services" means providing identifiable recovery-oriented services  
8 including **the following:**

9 (a) Early intervention and crisis intervention counseling  
10 services for individuals who are current or former individuals with  
11 substance use disorder.

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

14 (c) Planned treatment services, including chemotherapy,  
15 counseling, or rehabilitation for individuals physiologically or  
16 psychologically dependent upon or abusing alcohol or drugs.

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

20 (15) **"Telemedicine" means the use of an electronic media to**  
21 **link patients with health care professionals in different**  
22 **locations. To be considered telemedicine under this section, the**  
23 **health care professional must be able to examine the patient via a**  
24 **secure interactive audio or video, or both, telecommunications**  
25 **system, or through the use of store and forward online messaging.**

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





1 chapter 2A.

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

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

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

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

