

**HOUSE SUBSTITUTE FOR
SENATE BILL NO. 101**

A bill to amend 1974 PA 258, entitled "Mental health code," by amending sections 100d, 281c, 282, 408, 409, 426, 427a, 427b, 429, 436, 438, 469a, 498k, 498t, 516, 519, and 537 (MCL 330.1100d, 330.1281c, 330.1282, 330.1408, 330.1409, 330.1426, 330.1427a, 330.1427b, 330.1429, 330.1436, 330.1438, 330.1469a, 330.1498k, 330.1498t, 330.1516, 330.1519, and 330.1537), section 100d as amended by 2020 PA 99, section 281c as added and section 282 as amended by 2014 PA 200, sections 408, 427a, and 498k as amended by 1995 PA 290, section 409 as amended by 2020 PA 402, sections 426 and 429 as amended by 2016 PA 320, sections 436, 438, and 469a as amended by 2018 PA 593, section 498t as added by 1988 PA 155, and sections 516, 519, and 537 as amended by 2018 PA 596, and by adding

sections 170 and 172.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 100d. (1) **"Security transport officer" means an officer**
 2 **employed by a private security company under contract with a county**
 3 **under section 170.**

4 (2) "Service" means a mental health service or a substance use
 5 disorder service.

6 (3) ~~(2)~~—"Serious emotional disturbance" means a diagnosable
 7 mental, behavioral, or emotional disorder affecting a minor that
 8 exists or has existed during the past year for a period of time
 9 sufficient to meet diagnostic criteria specified in the most recent
 10 Diagnostic and Statistical Manual of Mental Disorders published by
 11 the American Psychiatric Association and approved by the department
 12 and that has resulted in functional impairment that substantially
 13 interferes with or limits the minor's role or functioning in
 14 family, school, or community activities. The following disorders
 15 are included only if they occur in conjunction with another
 16 diagnosable serious emotional disturbance:

17 (a) A substance use disorder.

18 (b) A developmental disorder.

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

21 (4) ~~(3)~~—"Serious mental illness" means a diagnosable mental,
 22 behavioral, or emotional disorder affecting an adult that exists or
 23 has existed within the past year for a period of time sufficient to
 24 meet diagnostic criteria specified in the most recent Diagnostic
 25 and Statistical Manual of Mental Disorders published by the
 26 American Psychiatric Association and approved by the department and
 27 that has resulted in functional impairment that substantially

1 interferes with or limits 1 or more major life activities. Serious
2 mental illness includes dementia with delusions, dementia with
3 depressed mood, and dementia with behavioral disturbance but does
4 not include any other dementia unless the dementia occurs in
5 conjunction with another diagnosable serious mental illness. The
6 following disorders also are included only if they occur in
7 conjunction with another diagnosable serious mental illness:

8 (a) A substance use disorder.

9 (b) A developmental disorder.

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

12 (5) ~~(4)~~—"Special compensation" means payment to an adult
13 foster care facility to ensure the provision of a specialized
14 program in addition to the basic payment for adult foster care.
15 Special compensation does not include payment received directly
16 from the Medicaid program for personal care services for a
17 resident, or payment received under the supplemental security
18 income program.

19 (6) ~~(5)~~—"Specialized program" means a program of services,
20 supports, or treatment that are provided in an adult foster care
21 facility to meet the unique programmatic needs of individuals with
22 serious mental illness or developmental disability as set forth in
23 the resident's individual plan of services and for which the adult
24 foster care facility receives special compensation.

25 (7) ~~(6)~~—"Specialized residential service" means a combination
26 of residential care and mental health services that are expressly
27 designed to provide rehabilitation and therapy to a recipient, that
28 are provided in the recipient's residence, and that are part of a
29 comprehensive individual plan of services.

1 **(8)** ~~(7)~~—"State administered funds" means revenues appropriated
2 by the legislature exclusively for the purposes provided for in
3 regard to substance use disorder services and prevention.

4 **(9)** ~~(8)~~—"State facility" means a center or a hospital operated
5 by the department.

6 **(10)** ~~(9)~~—"State recipient rights advisory committee" means a
7 committee appointed by the director under section 756 to advise the
8 director and the director of the department's office of recipient
9 rights.

10 **(11)** ~~(10)~~—"Substance abuse" means the taking of alcohol or
11 other drugs at dosages that place an individual's social, economic,
12 psychological, and physical welfare in potential hazard or to the
13 extent that an individual loses the power of self-control as a
14 result of the use of alcohol or drugs, or while habitually under
15 the influence of alcohol or drugs, endangers public health, morals,
16 safety, or welfare, or a combination thereof.

17 **(12)** ~~(11)~~—"Substance use disorder" means chronic disorder in
18 which repeated use of alcohol, drugs, or both, results in
19 significant and adverse consequences. Substance use disorder
20 includes substance abuse.

21 **(13)** ~~(12)~~—"Substance use disorder prevention services" means
22 services that are intended to reduce the consequences of substance
23 use disorders in communities by preventing or delaying the onset of
24 substance abuse and that are intended to reduce the progression of
25 substance use disorders in individuals. Substance use disorder
26 prevention is an ordered set of steps that promotes individual,
27 family, and community health, prevents mental and behavioral
28 disorders, supports resilience and recovery, and reinforces
29 treatment principles to prevent relapse.

1 **(14)** ~~(13)~~—"Substance use disorder treatment and rehabilitation
2 services" means providing identifiable recovery-oriented services
3 including the following:

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

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

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

12 **(15)** ~~(14)~~—"Supplemental security income" means the program
13 authorized under title XVI of the social security act, 42 USC 1381
14 to 1383f.

15 **(16)** ~~(15)~~—"Telemedicine" means the use of an electronic media
16 to link patients with health care professionals in different
17 locations. To be considered telemedicine under this section, the
18 health care professional must be able to examine the patient via a
19 health insurance portability and accountability act of 1996, Public
20 Law 104-191 compliant, secure interactive audio or video, or both,
21 telecommunications system, or through the use of store and forward
22 online messaging.

23 **(17)** ~~(16)~~—"Transfer facility" means a facility selected by the
24 department-designated community mental health entity, which
25 facility is physically located in a jail or lockup and is staffed
26 by at least 1 designated representative when in use according to
27 chapter 2A.

28 **(18)** ~~(17)~~—"Transition services" means a coordinated set of
29 activities for a special education student designed within an

1 outcome-oriented process that promotes movement from school to
 2 postschool activities, including postsecondary education,
 3 vocational training, integrated employment including supported
 4 employment, continuing and adult education, adult services,
 5 independent living, or community participation.

6 (19) ~~(18)~~—"Treatment" means care, diagnostic, and therapeutic
 7 services, including administration of drugs, and any other service
 8 for treatment of an individual's serious mental illness, serious
 9 emotional disturbance, or substance use disorder.

10 (20) ~~(19)~~—"Urgent situation" means a situation in which an
 11 individual is determined to be at risk of experiencing an emergency
 12 situation in the near future if he or she does not receive care,
 13 treatment, or support services.

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

23 **Sec. 170. (1) A county board of commissioners may establish a**
 24 **county mental health transportation panel. The purpose of the panel**
 25 **is to establish a transportation mechanism to serve as an**
 26 **alternative to a peace officer transporting an individual when**
 27 **required under this act.**

28 (2) **The members of the county mental health transportation**
 29 **panel must include all of the following:**

1 (a) A county administrator or an individual who has similar
2 responsibilities within the county as a county administrator.

3 (b) A judge of a court having jurisdiction in the county.

4 (c) A peace officer who works at a law enforcement agency or
5 state police post within the county.

6 (d) A mental health professional who is an employee of a
7 community mental health services program located within the county.

8 (3) The panel may recommend a contract with a private security
9 company to hire security transport officers to transport
10 individuals for involuntary psychiatric hospitalization or
11 screening under this act and, only upon that recommendation, the
12 county board of commissioners may enter into that contract.

13 (4) In order to enter into a contract with a county board of
14 commissioners as described in subsection (3), the private security
15 company must meet all of the following requirements:

16 (a) Maintain insurance coverage on file with the department
17 that satisfies the following:

18 (i) As to motor vehicle coverage, a policy of insurance issued
19 by an insurer authorized to do business in this state that provides
20 the coverage required by chapter 31 of the insurance code of 1956,
21 1956 PA 218, MCL 500.3101 to 500.3179, including, but not limited
22 to, personal protection insurance in the amount stated in section
23 3107c.

24 (ii) As to motor vehicle residual liability coverage relative
25 to a vehicle or a vehicle operator used to transport an individual
26 for involuntary psychiatric hospitalization or screening under this
27 act, a policy of insurance issued by an insurer authorized to do
28 business in this state that provides a limit of not less than
29 \$2,000,000.00 for bodily injury to or death of 1 or more persons in

1 an accident.

2 (iii) As to liability, other than for a motor vehicle, a policy
3 of insurance issued by an insurer authorized to do business in this
4 state that names the private security company, the county, and the
5 county mental health transportation panel as co-insureds in the
6 amount of \$25,000.00 per occurrence, for property damages and
7 \$2,000,000.00 per occurrence for injury to or death of 1 or more
8 persons arising out of the operation of the activity.

9 (iv) As to coverage required by this subsection, the insurer of
10 the private security company is primary to any insurer, or coverage
11 provider, of the county or the county mental health transportation
12 panel, including any self-insurance or group self-insurance.

13 (b) Provide to security transport officers a specialized
14 training program for best practices when working with and
15 transporting an individual with severe mental illness or a person
16 requiring treatment safely and effectively, which program must be
17 approved by the department. This specialized training program must
18 include training on recipient rights.

19 (c) Maintain a dispatch system that is available 24 hours a
20 day, 7 days a week to receive transport orders and deploy security
21 transport officers.

22 (d) Deploy 2 security transport officers for every transport
23 order. Deployment of security transport officers under this
24 subdivision must be gender appropriate for the situation.

25 (e) Establish a well-maintained company vehicle fleet
26 appropriately equipped for recipient and security transport officer
27 travel and safety.

28 (f) Utilize the level of force authorized for peace officers
29 under section 427a.

1 (g) Protect and respect all recipient regulations under the
2 health insurance portability and accountability act of 1996, Public
3 Law 101-191, and recipient rights under chapter 7. If the
4 provisions of this subdivision are not met, the office of recipient
5 rights of the local community mental health services program may
6 investigate the matter and recommend remedial action as described
7 in section 780 to the county board of commissioners.

8 (h) Maintain transport security officer duties, protocols, and
9 procedures.

10 (i) Maintain transport service policies and procedures.

11 (j) Maintain protocols and procedures for transportation
12 emergencies, recipient safety and transport care, de-escalation
13 techniques, crisis intervention and prevention, and recipient and
14 customer relations.

15 (k) Maintain mental health facility policies and procedures in
16 the same manner as required of peace officers under chapter 4.

17 (l) Maintain hospital emergency room policies and procedures in
18 the same manner as required of peace officers under chapter 4.

19 (m) Provide security transport officers with a defensive
20 driving course.

21 (n) Maintain transport vehicle requirements and care and
22 transport vehicle inspection procedures.

23 (o) Maintain roadside emergency procedures and policies,
24 including basic first aid and courses in cardiopulmonary
25 resuscitation.

26 (5) Transportation by a security transport officer is not an
27 arrest of the individual. A security transport officer has the
28 authority to maintain custody of an individual who is taken into
29 protective custody by a peace officer pursuant to a court order.

1 However, the authority under this subsection only applies if the
2 individual is being transported to or from a hospital, a mental
3 health screening unit, or other mental health treatment center
4 pursuant to a court order.

5 (6) A private security company entering into a contract with a
6 county board of commissioners is an independent contractor of the
7 county and is not an employee, officer, or agent of the county or
8 the county mental health transportation panel.

9 (7) A security transport officer is not an employee, officer,
10 agent, or independent contractor of the county or the county mental
11 health transportation panel.

12 Sec. 172. (1) The mental health transportation fund is created
13 within the state treasury.

14 (2) The state treasurer may receive money or other assets from
15 any source for deposit into the fund. The state treasurer shall
16 direct the investment of the fund. The state treasurer shall credit
17 to the fund interest and earnings from fund investments.

18 (3) Money in the fund at the close of the fiscal year shall
19 remain in the fund and shall not lapse to the general fund.

20 (4) The department shall be the administrator of the fund for
21 auditing purposes.

22 (5) The department shall expend money from the fund, upon
23 appropriation, only to carry out the provisions of section 170.

24 Sec. 281c. (1) Following an examination by a health
25 professional under section 281b and a certification by that health
26 professional that the requirements of section 281a(1) are met, a
27 court may order the respondent held for treatment for a period not
28 to exceed 72 hours if the court finds by clear and convincing
29 evidence that the person presents an imminent danger or imminent

1 threat of danger to self, family, or others as a result of a
2 substance use disorder. ~~However, if~~ **If** the hearing to be held under
3 section 281b will not be held within that 72-hour period, the court
4 may order the respondent held for treatment until the hearing. In
5 making its order, the court shall inform the respondent that the
6 respondent may immediately make a reasonable number of telephone
7 calls or use other reasonable means to contact an attorney, a
8 physician, or a health professional; to contact any other person to
9 secure representation by counsel; or to obtain medical or
10 psychological assistance and that the respondent will be provided
11 assistance in making calls if the assistance is needed and
12 requested.

13 (2) A program in which a respondent is being held ~~pursuant to~~
14 **under** subsection (1) ~~shall~~ **must** release the respondent from the
15 program immediately upon the expiration of the time period
16 established by the court for the treatment under subsection (1). If
17 determined appropriate by the court with the assistance of health
18 professionals, a respondent may be transferred from a more-
19 restrictive program setting to a less-restrictive program setting
20 for the treatment ordered under this section.

21 (3) A respondent ordered held under this section shall not be
22 held in jail pending transportation to the program or evaluation
23 unless the court previously has found the respondent to be in
24 contempt of court for either failure to undergo treatment or
25 failure to appear at the examination ordered under section 281b.

26 (4) If a court is authorized to issue an order that the
27 respondent be transported to a program, the court may issue a
28 summons. If the respondent fails to attend an examination scheduled
29 before the hearing under section 281b, the court shall issue a

1 summons. The court shall direct a summons issued to the respondent
 2 and shall command the respondent to appear at a time and place
 3 specified in the summons. If the respondent who has been summoned
 4 fails to appear at the program or the examination, the court may
 5 order a peace officer to **take the respondent into protective**
 6 **custody. After the respondent is taken into protective custody, a**
 7 **peace officer or security transport officer shall** transport the
 8 respondent to a program on the list provided under subsection (5)
 9 for treatment. ~~The peace officer shall transport the respondent to~~
 10 ~~the program.~~ The transportation costs of the peace officer ~~shall or~~
 11 **security transport officer must** be included in the costs of
 12 treatment for substance use disorder to be paid as provided in
 13 section 281a(4).

14 (5) A department-designated community mental health entity on
 15 at least an annual basis ~~shall~~**must** submit each of the following
 16 lists to the clerk of the court in each county served by the
 17 department-designated community mental health entity:

18 (a) A list of all programs in the counties served by the
 19 department-designated community mental health entity that are able
 20 and willing to take respondents ordered held for treatment under
 21 subsection (1).

22 (b) A list of programs and health professionals in the
 23 counties served by the department-designated community mental
 24 health entity that are able and willing to provide treatment for a
 25 substance use disorder that is ordered under section 281b.

26 Sec. 282. (1) A peace officer, ~~a~~**security transport officer,**
 27 member of the emergency service unit, or staff member of an
 28 approved service program or an emergency medical service who acts
 29 in compliance with sections 276 to 286 is acting in the course of

1 his or her official duty and is not criminally or civilly liable as
2 a result.

3 (2) Subsection (1) does not apply to a ~~law enforcement~~ **peace**
4 **officer, security transport officer**, member of the emergency
5 service unit, or staff member of an approved service program or an
6 emergency medical service who, while acting in compliance with
7 sections 276 to 286, engages in behavior involving gross negligence
8 or willful or wanton misconduct.

9 (3) Approved service programs, staff of approved service
10 programs, emergency medical services, staff of emergency medical
11 services, peace officers, **security transport officers**, and
12 emergency service units are not criminally or civilly liable for
13 the subsequent actions of the apparently incapacitated individual
14 who leaves the approved service program or emergency medical
15 service.

16 Sec. 408. (1) An individual is subject to being returned to a
17 hospital if both of the following circumstances exist:

18 (a) The individual was admitted to the hospital by judicial
19 order.

20 (b) The individual has left the hospital without
21 authorization, or has refused a lawful request to return to the
22 hospital while on an authorized leave or other authorized absence
23 from the hospital.

24 (2) The hospital director may notify peace officers **or**
25 **security transport officers** that an individual is subject to being
26 returned to the hospital. Upon notification by the hospital
27 director, a peace officer ~~shall~~ **must** take the individual into
28 protective custody. ~~and return the individual to the hospital~~
29 ~~unless contrary directions have been given by the hospital~~

1 ~~director.~~**After the individual is taken into protective custody, a**
2 **police officer or security transport officer must transport the**
3 **individual to a hospital.**

4 (3) An opportunity for appeal, and notice of that opportunity,
5 ~~shall~~**must** be provided to an individual who objects to being
6 returned from any authorized leave in excess of 10 days.

7 Sec. 409. (1) Each community mental health services program
8 shall establish 1 or more preadmission screening units with 24-hour
9 availability to provide assessment and screening services for
10 individuals being considered for admission into hospitals, assisted
11 outpatient treatment programs, or crisis services on a voluntary
12 basis. The community mental health services program shall employ
13 mental health professionals or licensed bachelor's social workers
14 licensed under part 185 of the public health code, 1978 PA 368, MCL
15 333.18501 to 333.18518, to provide the preadmission screening
16 services or contract with another agency that meets the
17 requirements of this section. Preadmission screening unit staff
18 shall be supervised by a registered professional nurse or other
19 mental health professional possessing at least a master's degree.

20 (2) Each community mental health services program shall
21 provide the address and telephone number of its preadmission
22 screening unit or units to law enforcement agencies, the
23 department, the court, ~~and~~ hospital emergency rooms, **and private**
24 **security companies under contract with a county under section 170.**

25 (3) A preadmission screening unit shall assess an individual
26 being considered for admission into a hospital operated by the
27 department or under contract with the community mental health
28 services program. If the individual is clinically suitable for
29 hospitalization, the preadmission screening unit shall authorize

1 voluntary admission to the hospital.

2 (4) If the preadmission screening unit of the community mental
3 health services program denies hospitalization, the individual or
4 the person making the application may request a second opinion from
5 the executive director. The executive director shall arrange for an
6 additional evaluation by a psychiatrist, other physician, or
7 licensed psychologist to be performed within 3 days, excluding
8 Sundays and legal holidays, after the executive director receives
9 the request. If the conclusion of the second opinion is different
10 from the conclusion of the preadmission screening unit, the
11 executive director, in conjunction with the medical director, shall
12 make a decision based on all clinical information available. The
13 executive director's decision shall be confirmed in writing to the
14 individual who requested the second opinion, and the confirming
15 document shall include the signatures of the executive director and
16 medical director or verification that the decision was made in
17 conjunction with the medical director. If an individual is assessed
18 and found not to be clinically suitable for hospitalization, the
19 preadmission screening unit shall provide appropriate referral
20 services.

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

25 (6) A preadmission screening unit shall assess and examine, or
26 refer to a hospital for examination, an individual who is brought
27 to the preadmission screening unit by a peace officer **or security**
28 **transport officer** or ordered by a court to be examined. If the
29 individual meets the requirements for hospitalization, the

1 preadmission screening unit shall designate the hospital to which
2 the individual shall be admitted. The preadmission screening unit
3 shall consult with the individual and, if the individual agrees,
4 the preadmission screening unit must consult with the individual's
5 family member of choice, if available, as to the preferred hospital
6 for admission of the individual.

7 (7) A preadmission screening unit may operate a crisis
8 stabilization unit under chapter 9A. A preadmission screening unit
9 may provide crisis services to an individual, who by assessment and
10 screening, is found to be a person requiring treatment. Crisis
11 services at a crisis stabilization unit must entail an initial
12 psychosocial assessment by a master's level mental health
13 professional and a psychiatric evaluation within 24 hours to
14 stabilize the individual. In this event, crisis services may be
15 provided for a period of up to 72 hours, after which the individual
16 must be provided with the clinically appropriate level of care,
17 resulting in 1 of the following:

- 18 (a) The individual is no longer a person requiring treatment.
19 (b) A referral to outpatient services for aftercare treatment.
20 (c) A referral to a partial hospitalization program.
21 (d) A referral to a residential treatment center, including
22 crisis residential services.
23 (e) A referral to an inpatient bed.
24 (f) An order for involuntary treatment of the individual has
25 been issued under section 281b, 281c, former 433, or 434.

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

1 (9) If the individual chooses a hospital not under contract
2 with a community mental health services program, and the hospital
3 agrees to the admission, the preadmission screening unit shall
4 refer the individual to the hospital that is requested by the
5 individual. Any financial obligation for the services provided by
6 the hospital shall be satisfied from funding sources other than the
7 community mental health services program, the department, or other
8 state or county funding.

9 Sec. 426. Upon delivery to a peace officer of a petition and a
10 physician's or licensed psychologist's clinical certificate, the
11 peace officer shall take the individual named in the petition into
12 protective custody and transport the individual immediately to the
13 preadmission screening unit or hospital designated by the community
14 mental health services program for hospitalization under section
15 423. If the individual taken to a preadmission screening unit meets
16 the requirements for hospitalization, then unless the community
17 mental health services program makes other transportation
18 arrangements, the peace officer ~~shall~~**must** take the individual to a
19 hospital designated by the community mental health services
20 program. **The community mental health services program may arrange**
21 **for a security transport officer to transport the individual to the**
22 **hospital.** Transportation to another hospital due to a transfer is
23 the responsibility of the community mental health services program.

24 Sec. 427a. (1) If a peace officer is taking an individual into
25 protective custody, the peace officer may use that kind and degree
26 of force that would be lawful if the peace officer were effecting
27 an arrest for a misdemeanor without a warrant. In taking ~~the~~**an**
28 individual into custody, a peace officer may take reasonable steps
29 for self-protection. **In transporting an individual, a security**

1 **transport officer may take reasonable steps for self-protection.**

2 The protective steps may include a pat down search of the
 3 individual in the individual's immediate surroundings, but only to
 4 the extent necessary to discover and seize a dangerous weapon that
 5 may be used against the **peace officer, security transport officer,**
 6 or other ~~persons~~**person** present. These protective steps ~~shall~~**must**
 7 be taken by the peace officer **or security transport officer** before
 8 the individual is transported to a preadmission screening unit or a
 9 hospital designated by the community mental health services
 10 program.

11 (2) ~~The taking of~~**Taking** an individual to a community mental
 12 health services program's preadmission screening unit or a hospital
 13 under section 427 **by a peace officer** is not an arrest, but is a
 14 taking into protective custody. The peace officer ~~shall~~**must** inform
 15 the individual that he or she is being held in protective custody
 16 and is not under arrest. An entry ~~shall~~**must** be made indicating the
 17 date, time, and place of the taking, but the entry ~~shall~~**must** not
 18 be treated for any purpose as an arrest or criminal record.

19 Sec. 427b. (1) A peace officer ~~who acts in compliance with~~
 20 ~~this act is acting in the course of official duty and is not~~
 21 ~~civilly liable for the action taken.~~**or security transport officer**
 22 **acting under this act has the same immunity provided for a**
 23 **governmental employee under section 7 of 1964 PA 170, MCL 691.1407.**

24 (2) ~~Subsection (1) does not apply to a peace officer who,~~
 25 ~~while acting in compliance with this act, engages in behavior~~
 26 ~~involving gross negligence or wilful and wanton misconduct.~~**Neither**
 27 **a county nor a county mental health transportation panel is civilly**
 28 **liable for an act or omission of a security transport officer or a**
 29 **private security company contracted with a county under section**

1 179.

2 Sec. 429. (1) A hospital designated under section 422 shall
3 receive and detain an individual presented for examination under
4 section 426, 427, 435, 436, or 438, for not more than 24 hours.
5 During that time the individual shall be examined by a physician or
6 a licensed psychologist unless a clinical certificate has already
7 been presented to the hospital. If the examining physician or
8 psychologist does not certify that the individual is a person
9 requiring treatment, the individual shall be released immediately.
10 If the examining physician or psychologist executes a clinical
11 certificate, the individual may be hospitalized under section 423.

12 (2) If a preadmission screening unit provides an examination
13 under section 409, 410, or 427, the examination shall be conducted
14 as soon as possible after the individual arrives at the
15 preadmission screening site, and the examination ~~shall~~**must** be
16 completed within 2 hours, unless there are documented medical
17 reasons why the examination cannot be completed within that time
18 frame or other arrangements are agreed upon by the peace officer **or**
19 **security transport officer** and the preadmission screening unit.

20 Sec. 436. (1) If it appears to the court that the individual
21 will not comply with an order of examination under section 435, the
22 court may order a peace officer to take the individual into
23 protective custody. ~~and~~**After the individual is taken into**
24 **protective custody, a peace officer or security transport officer**
25 **shall** transport him or her to a preadmission screening unit or
26 hospital designated by the community mental health services program
27 or to another suitable place for the ordered examination or
28 examinations.

29 (2) A court order for a peace officer to take an individual

1 into protective custody and transport the individual as described
2 in subsection (1) must be executed within 10 days after the court
3 enters the order. If the order is not executed within 10 days after
4 the court enters the order, the law enforcement agency must report
5 to the court the reason the order was not executed within the
6 prescribed time period.

7 (3) Following the filing of a petition for assisted outpatient
8 treatment, if it comes to the court's attention that the individual
9 will not make himself or herself available for an evaluation, the
10 court may order ~~law enforcement to~~ **a peace officer to take the**
11 **individual into protective custody. After the individual is taken**
12 **into protective custody, a peace officer or security transport**
13 **officer shall** transport the individual ~~for the mental health~~
14 ~~evaluation and to take the individual to~~ the designated
15 preadmission screening unit or hospital. The court must be
16 satisfied that reasonable effort was made to secure an examination
17 before the court orders ~~a peace officer to transport the~~ **an**
18 **individual to be taken into protective custody and transported** for
19 an evaluation. At the time the individual arrives at the
20 preadmission screening unit or hospital, the preadmission screening
21 unit or hospital must complete an assessment that includes an
22 examination upon the arrival of the individual and release the
23 individual following the conclusion of the examination unless the
24 medical professional who examines the individual finds the need for
25 immediate hospitalization. If immediate hospitalization is
26 necessary, the director must file a petition, accompanied by 2
27 clinical certificates, with the probate court within 24 hours after
28 the medical professional's finding. The petition must request
29 involuntary hospitalization and may request a combination of

1 hospitalization and assisted outpatient treatment. The court must
2 set a hearing in accordance with section 452(1).

3 Sec. 438. If it appears to the court that the individual
4 requires immediate assessment because the individual presents a
5 substantial risk of significant physical or mental harm to himself
6 or herself in the near future or presents a substantial risk of
7 significant physical harm to others in the near future, the court
8 may order the individual hospitalized and may order a peace officer
9 to take the individual into protective custody and transport the
10 individual to a preadmission screening unit designated by the
11 community mental health services program. **After the individual is**
12 **taken into protective custody by a peace officer, the court may,**
13 **also, order a security transport officer to transport the**
14 **individual to a preadmission screening unit designated by the**
15 **community mental health services program.** If the preadmission
16 screening unit authorizes hospitalization, the peace officer ~~shall~~
17 **or security transport officer must** transport the individual to a
18 hospital designated by the community mental health services
19 program, unless other arrangements are provided by the preadmission
20 screening unit. If the examinations and clinical certificates of
21 the psychiatrist, and the physician or the licensed psychologist,
22 are not completed within 24 hours after hospitalization, the
23 individual ~~shall~~**must** be released.

24 Sec. 469a. (1) Except for a petition filed as described under
25 section 434(7), before ordering a course of treatment for an
26 individual found to be a person requiring treatment, the court
27 shall review a report on alternatives to hospitalization that was
28 prepared under section 453a not more than 15 days before the court
29 issues the order. After reviewing the report, the court shall do

1 all of the following:

2 (a) Determine whether a treatment program that is an
3 alternative to hospitalization or that follows an initial period of
4 hospitalization is adequate to meet the individual's treatment
5 needs and is sufficient to prevent harm that the individual may
6 inflict upon himself or herself or upon others within the near
7 future.

8 (b) Determine whether there is an agency or mental health
9 professional available to supervise the individual's treatment
10 program.

11 (c) Inquire as to the individual's desires regarding
12 alternatives to hospitalization.

13 (2) If the court determines that there is a treatment program
14 that is an alternative to hospitalization that is adequate to meet
15 the individual's treatment needs and prevent harm that the
16 individual may inflict upon himself or herself or upon others
17 within the near future and that an agency or mental health
18 professional is available to supervise the program, the court shall
19 issue an order for assisted outpatient treatment or combined
20 hospitalization and assisted outpatient treatment in accordance
21 with section 472a. The order shall state the community mental
22 health services program or, if private arrangements have been made
23 for the reimbursement of mental health treatment services in an
24 alternative setting, the name of the mental health agency or
25 professional that is directed to supervise the individual's
26 assisted outpatient treatment program. The order may provide that
27 if an individual refuses to comply with a psychiatrist's order to
28 return to the hospital, a peace officer ~~shall~~**must** take the
29 individual into protective custody. ~~and~~**After the individual is**

1 **taken into protective custody by a peace officer, a peace officer**
2 **or a security transport officer shall** transport the individual to
3 the hospital selected.

4 (3) If the court orders assisted outpatient treatment as the
5 alternative to hospitalization, the order ~~shall~~**must** be consistent
6 with the provisions of section 468(2)(d).

7 Sec. 498k. (1) If a minor who has been admitted to a hospital
8 under this chapter leaves the hospital without the knowledge and
9 permission of the appropriate hospital staff, the hospital ~~shall~~
10 **must** immediately notify the minor's parent, guardian, or person in
11 loco parentis, the executive director if appropriate, and the
12 appropriate police agency.

13 (2) If a minor has left a hospital without the knowledge and
14 permission of the appropriate hospital staff or has refused a
15 request to return to the hospital while on an authorized absence
16 from the hospital, and the hospital director believes that the
17 minor should be returned to the hospital, the hospital director
18 ~~shall~~**must** request that the minor's parent, guardian, or person in
19 loco parentis transport the minor to the hospital. If the parent,
20 guardian, or person in loco parentis is unable, after reasonable
21 effort, to transport the minor, a request may be submitted to the
22 court for an order to transport the minor. If the court is
23 satisfied that a reasonable effort was made to transport the minor,
24 the court shall order a peace officer to take the minor into
25 protective custody. ~~for the purpose of returning~~ **After the minor is**
26 **taken into protective custody, a peace officer or a security**
27 **transport officer shall transport** the minor to the hospital.

28 (3) An opportunity for appeal, and notice of that opportunity,
29 shall be provided to any minor and to the parent or guardian of any

1 minor who is returned over the minor's objection from any
 2 authorized leave in excess of 10 days. In the case of a minor less
 3 than 14 years of age, the appeal shall be made by the parent or
 4 guardian of the minor or person in loco parentis.

5 Sec. 498t. If a person who requests hospitalization of a minor
 6 ~~pursuant to~~**under** section 498d or 498h is unable, after reasonable
 7 efforts, to transport the minor for the evaluation required by
 8 section 498e, a request may be submitted to the court for an order
 9 to transport the minor. If the court is satisfied that a reasonable
 10 effort was made by the person requesting hospitalization to
 11 transport the minor for evaluation, the court shall order a peace
 12 officer to take the minor into protective custody. ~~for the purpose~~
 13 ~~of transporting~~**After the minor is taken into protective custody, a**
 14 **peace officer or a security transport officer shall transport** the
 15 minor immediately to the evaluation site, and if necessary, from
 16 the evaluation site to the hospital for admission. The person
 17 requesting the transport order ~~shall~~**must** meet the minor at the
 18 evaluation site and remain with the minor for the duration of the
 19 evaluation.

20 Sec. 516. (1) Any person found suitable by the court may file
 21 with the court a petition that asserts that an individual meets the
 22 criteria for treatment specified in section 515.

23 (2) The petition shall contain the alleged facts that are the
 24 basis for the assertion, the names and addresses, if known, of any
 25 witnesses to alleged and relevant facts, and if known the name and
 26 address of the nearest relative or guardian of the individual.

27 (3) If the petition appears on its face to be sufficient, the
 28 court shall order that the individual be examined and a report be
 29 prepared. To this end, the court shall appoint a qualified person

1 who may but need not be an employee of the community mental health
2 services program or the court to arrange for the examination, to
3 prepare the report, and to file it with the court.

4 (4) If it appears to the court that the individual will not
5 comply with an order of examination under subsection (3), the court
6 may order a peace officer to take the individual into protective
7 custody. ~~and~~ **After the individual is taken into protective custody,**
8 **a peace officer or a security transport officer shall** transport him
9 or her immediately to a facility recommended by the community
10 mental health services program or other suitable place designated
11 by the community mental health services program for up to 48 hours
12 for the ordered examination.

13 (5) After examination, the individual shall be allowed to
14 return home unless it appears to the court that he or she requires
15 immediate admission to the community mental health services
16 program's recommended facility in order to prevent physical harm to
17 himself, herself, or others pending a hearing, in which case the
18 court shall enter an order to that effect. If an individual is
19 ordered admitted under this subsection, not later than 12 hours
20 after he or she is admitted the facility shall provide him or her
21 with a copy of the petition, a copy of the report, and a written
22 statement in simple terms explaining the individual's rights to a
23 hearing under section 517, to be present at the hearing and to be
24 represented by legal counsel, if 1 physician and 1 licensed
25 psychologist or 2 physicians conclude that the individual meets the
26 criteria for treatment.

27 (6) The report required by subsection (3) shall contain all of
28 the following:

29 (a) Evaluations of the individual's mental, physical, social,

1 and educational condition.

2 (b) A conclusion as to whether the individual meets the
3 criteria for treatment specified in section 515.

4 (c) A list of available forms of care and treatment that may
5 serve as an alternative to admission to a facility.

6 (d) A recommendation as to the most appropriate living
7 arrangement for the individual in terms of type and location of
8 living arrangement and the availability of requisite support
9 services.

10 (e) The signatures of 1 physician and 1 licensed psychologist
11 or 2 physicians who performed examinations serving in part as the
12 basis of the report.

13 (7) A copy of the report required under subsection (3) shall
14 be sent to the court immediately upon completion.

15 (8) The petition shall be dismissed by the court unless 1
16 physician and 1 licensed psychologist or 2 physicians conclude, and
17 that conclusion is stated in the report, that the individual meets
18 the criteria for treatment.

19 (9) An individual whose admission was ordered under subsection
20 (5) is entitled to a hearing in accordance with section 517.

21 Sec. 519. (1) Before making an order of disposition under
22 section 518(2), the court shall consider ordering a course of care
23 and treatment that is an alternative to admission to a facility. To
24 that end, the court shall review the report submitted to the court
25 under section 516(3), specifically reviewing alternatives and
26 recommendations as provided under section 516(6) (c) and (d).

27 (2) If the court finds that a program of care and treatment
28 other than admission to a facility is adequate to meet the
29 individual's care and treatment needs and is sufficient to prevent

1 harm or injury that the individual may inflict upon himself,
2 herself, or others, the court shall order the individual to receive
3 whatever care and treatment is appropriate under section 518(2)(c).

4 (3) If at the end of 1 year it is believed that the individual
5 continues to meet the criteria for treatment, a new petition may be
6 filed under section 516.

7 (4) If at any time during the 1-year period it comes to the
8 attention of the court either that an individual ordered to undergo
9 a program of alternative care and treatment is not complying with
10 the order or that the alternative care and treatment has not been
11 sufficient to prevent harm or injuries that the individual may be
12 inflicting upon himself, herself, or others, the court may without
13 a hearing and based upon the record and other available information
14 do either of the following:

15 (a) Consider other alternatives to admission to a facility,
16 modify its original order, and direct the individual to undergo
17 another outpatient program of alternative care and treatment for
18 the remainder of the 1-year period.

19 (b) Enter a new order under section 518(2)(a) or (b) directing
20 that the individual be admitted to a facility recommended by the
21 community mental health services program. If the individual refuses
22 to comply with this order, the court may direct a peace officer to
23 take the individual into protective custody. ~~and~~ **After the**
24 **individual is taken into protective custody, a peace officer or a**
25 **security transport officer shall** transport him or her to the
26 facility recommended by the community mental health services
27 program.

28 Sec. 537. (1) An individual is subject to being returned to a
29 facility if both of the following are true:

1 (a) The individual was admitted to a facility on an
2 application executed by someone other than himself or herself or by
3 judicial order.

4 (b) The individual has left the facility without
5 authorization, or has refused a lawful request to return to the
6 facility while on an authorized leave or other authorized absence
7 from the facility.

8 (2) The facility may notify ~~a peace officers~~**officer** that an
9 individual is subject to being returned to the facility. Upon
10 notification, a peace officer shall take the individual into
11 protective custody. ~~and~~**After the individual is taken into**
12 **protective custody, a peace officer or a security transport officer**
13 **shall** return him or her to the facility unless contrary directions
14 have been given by the facility or the responsible community mental
15 health services program.

16 (3) An opportunity for appeal ~~shall~~**must** be provided to any
17 individual returned over his or her objection from any authorized
18 leave in excess of 10 days, and the individual shall be notified of
19 his or her right to appeal. In the case of a child less than 13
20 years of age, the appeal shall be made by his or her parent or
21 guardian.