

# HOUSE BILL NO. 4925

May 26, 2021, Introduced by Reps. Whiteford, Brann, Thanedar, O'Malley, Hammoud, Green, LaFave, Beson, Rendon, Marino, Markkanen, Griffin, Meerman, Wozniak, Bezotte, Bellino, Allor, Howell, Aiyash, Camilleri, Puri and Whitsett and referred to the Committee on Health Policy.

A bill to amend 1974 PA 258, entitled "Mental health code," by amending sections 100a, 100c, 100d, 116, 206, 208, 210, 232, 269, 270, 271, 273, 274, 275, and 281c (MCL 330.1100a, 330.1100c, 330.1100d, 330.1116, 330.1206, 330.1208, 330.1210, 330.1232, 330.1269, 330.1270, 330.1271, 330.1273, 330.1274, 330.1275, and 330.1281c), section 100a as amended by 2020 PA 402, section 100c as amended by 2020 PA 285, section 100d as amended by 2020 PA 99, section 116 as amended by 1998 PA 67, sections 206 and 232 as

amended by 1995 PA 290, sections 208 and 210 as amended and sections 269, 270, 271, 273, 274, and 275 as added by 2012 PA 500, and section 281c as added by 2014 PA 200, and by adding sections 110a and 117; and to repeal acts and parts of acts.

**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.

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

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

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

1           (4) "Administrative services organization" or "ASO" means a  
2           contracted third-party organization with special expertise in  
3           behavioral health systems management that contracts with the  
4           department under section 117 to provide certain specified  
5           administrative services necessary to manage the public behavioral  
6           health system, including Medicaid specialty supports and services,  
7           on the state's behalf.

8           (5) ~~(4)~~—"Adult foster care facility" means an adult foster  
9           care facility licensed under the adult foster care facility  
10          licensing act, 1979 PA 218, MCL 400.701 to 400.737.

11          (6) ~~(5)~~—"Alcohol and drug abuse counseling" means the act of  
12          counseling, modification of substance use disorder related  
13          behavior, and prevention techniques for individuals with substance  
14          use disorder, their significant others, and individuals who could  
15          potentially develop a substance use disorder.

16          (7) ~~(6)~~—"Applicant" means an individual or his or her legal  
17          representative who makes a request for mental health services.

18          (8) ~~(7)~~—"Approved service program" means a substance use  
19          disorder services program licensed under part 62 of the public  
20          health code, 1978 PA 368, MCL 333.6230 to 333.6251, to provide  
21          substance use disorder treatment and rehabilitation services by the  
22          ~~department designated community mental health entity~~ **department or**  
23          **the single administrative services organization** and approved by the  
24          federal government to deliver a service or combination of services  
25          for the treatment of incapacitated individuals.

26          (9) ~~(8)~~—"Assisted outpatient treatment" or "AOT" means the  
27          categories of outpatient services ordered by the court under  
28          section 468 or 469a. Assisted outpatient treatment may include a  
29          case management plan and case management services to provide care

1 coordination under the supervision of a psychiatrist and developed  
2 in accordance with person-centered planning under section 712.  
3 Assisted outpatient treatment may also include 1 or more of the  
4 following categories of services: medication; periodic blood tests  
5 or urinalysis to determine compliance with prescribed medications;  
6 individual or group therapy; day or partial day programming  
7 activities; vocational, educational, or self-help training or  
8 activities; assertive community treatment team services; alcohol or  
9 substance use disorder treatment and counseling and periodic tests  
10 for the presence of alcohol or illegal drugs for an individual with  
11 a history of alcohol abuse or substance use disorder; supervision  
12 of living arrangements; and any other services within a local or  
13 unified services plan developed under this act that are prescribed  
14 to treat the individual's mental illness and to assist the  
15 individual in living and functioning in the community or to attempt  
16 to prevent a relapse or deterioration that may reasonably be  
17 predicted to result in suicide, the need for hospitalization, or  
18 serious violent behavior. The medical review and direction included  
19 in an assisted outpatient treatment plan shall be provided under  
20 the supervision of a psychiatrist.

21       **(10)** ~~(9)~~ "Board" means the governing body of a community  
22 mental health services program.

23       **(11)** ~~(10)~~ "Board of commissioners" means a county board of  
24 commissioners.

25       **(12)** ~~(11)~~ "Center" means a facility operated by the department  
26 to admit individuals with developmental disabilities and provide  
27 habilitation and treatment services.

28       **(13)** ~~(12)~~ "Certification" means formal approval of a program  
29 by the department in accordance with standards developed or

1 approved by the department.

2 (14) ~~(13)~~—"Child abuse" and "child neglect" mean those terms  
3 as defined in section 2 of the child protection law, 1975 PA 238,  
4 MCL 722.622.

5 (15) ~~(14)~~—"Child and adolescent psychiatrist" means 1 or more  
6 of the following:

7 (a) A physician who has completed a residency program in child  
8 and adolescent psychiatry approved by the Accreditation Council for  
9 Graduate Medical Education or the American Osteopathic Association,  
10 or who has completed 12 months of child and adolescent psychiatric  
11 rotation and is enrolled in an approved residency program as  
12 described in this subsection.

13 (b) A psychiatrist employed by or under contract as a child  
14 and adolescent psychiatrist with the department or a community  
15 mental health services program on March 28, 1996, who has education  
16 and clinical experience in the evaluation and treatment of children  
17 or adolescents with serious emotional disturbance.

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

21 (16) ~~(15)~~—"Children's diagnostic and treatment service" means  
22 a program operated by or under contract with a community mental  
23 health services program, that provides examination, evaluation, and  
24 referrals for minors, including emergency referrals, that provides  
25 or facilitates treatment for minors, and that has been certified by  
26 the department.

27 (17) ~~(16)~~—"Community mental health authority" means a separate  
28 legal public governmental entity created under section 205 to  
29 operate as a community mental health services program.

1           **(18)** ~~(17)~~—"Community mental health organization" means a  
2 community mental health services program that is organized under  
3 the urban cooperation act of 1967, 1967 (Ex Sess) PA 7, MCL 124.501  
4 to 124.512.

5           **(19)** ~~(18)~~—"Community mental health services program" means a  
6 program operated under chapter 2 as a county community mental  
7 health agency, a community mental health authority, or a community  
8 mental health organization.

9           **(20)** ~~(19)~~—"Consent" means a written agreement executed by a  
10 recipient, a minor recipient's parent, a recipient's legal  
11 representative with authority to execute a consent, or a full or  
12 limited guardian authorized under the estates and protected  
13 individuals code, 1998 PA 386, MCL 700.1101 to 700.8206, with the  
14 authority to consent, or a verbal agreement of a recipient that is  
15 witnessed and documented by an individual other than the individual  
16 providing treatment.

17           **(21)** ~~(20)~~—"County community mental health agency" means an  
18 official county or multicounty agency created under section 210  
19 that operates as a community mental health services program and  
20 that has not elected to become a community mental health authority  
21 or a community mental health organization.

22           **(22)** ~~(21)~~—"Crisis stabilization unit" means a prescreening  
23 unit established under section 409 or a facility certified under  
24 chapter 9A that provides unscheduled clinical services designed to  
25 prevent or ameliorate a behavioral health crisis or reduce acute  
26 symptoms on an immediate, intensive, and time-limited basis in  
27 response to a crisis situation.

28           **(23)** ~~(22)~~—"Department" means the department of health and  
29 human services.

1       ~~(23) "Department-designated community mental health entity"~~  
2       ~~means the community mental health authority, community mental~~  
3       ~~health organization, community mental health services program,~~  
4       ~~county community mental health agency, or community mental health~~  
5       ~~regional entity designated by the department to represent a region~~  
6       ~~of community mental health authorities, community mental health~~  
7       ~~organizations, community mental health services programs, or county~~  
8       ~~community mental health agencies.~~

9       (24) "Dependent living setting" means all of the following:

10       (a) An adult foster care facility.

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

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

15       (25) "Designated representative" means any of the following:

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

19       (b) A paramedic licensed or otherwise authorized under part  
20       209 of the public health code, 1978 PA 368, MCL 333.20901 to  
21       333.20979.

22       (c) A physician's assistant licensed or otherwise authorized  
23       under part 170 or 175 of the public health code, 1978 PA 368, MCL  
24       333.17001 to 333.17097 and 333.17501 to 333.17556.

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

28       (26) "Developmental disability" means either of the following:

29       (a) If applied to an individual older than 5 years of age, a

1 severe, chronic condition that meets all of the following  
2 requirements:

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

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

6 (iii) Is likely to continue indefinitely.

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

9 (A) Self-care.

10 (B) Receptive and expressive language.

11 (C) Learning.

12 (D) Mobility.

13 (E) Self-direction.

14 (F) Capacity for independent living.

15 (G) Economic self-sufficiency.

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

20 (b) If applied to a minor from birth to 5 years of age, a  
21 substantial developmental delay or a specific congenital or  
22 acquired condition with a high probability of resulting in  
23 developmental disability as defined in subdivision (a) if services  
24 are not provided.

25 (27) "Director" means the director of the department or his or  
26 her designee.

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

29 (29) "Eligible minor" means an individual less than 18 years



1 of age who is recommended in the written report of a  
2 multidisciplinary team under rules promulgated by the department of  
3 education to be classified as 1 of the following:

4 (a) Severely mentally impaired.

5 (b) Severely multiply impaired.

6 (c) Autistic impaired and receiving special education services  
7 in a program designed for the autistic impaired under R 340.1758 of  
8 the Michigan Administrative Code or in a program designed for the  
9 severely mentally impaired or severely multiply impaired.

10 (30) "Emergency situation" means a situation in which an  
11 individual is experiencing a serious mental illness or a  
12 developmental disability, or a minor is experiencing a serious  
13 emotional disturbance, and 1 of the following applies:

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

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

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

25 (31) "Executive director" means an individual appointed under  
26 section 226 to direct a community mental health services program or  
27 his or her designee.

28 Sec. 100c. (1) "Peace officer" means an officer of the  
29 department of state police or of a law enforcement agency of a

1 county, township, city, or village who is responsible for  
2 preventing and detecting crime and enforcing the criminal laws of  
3 this state. For the purposes of sections 408, 426, 427a, and 427b,  
4 peace officer also includes an officer of the United States Secret  
5 Service with the officer's consent and a police officer of the  
6 Veterans' Administration Medical Center Reservation.

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

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

19 (4) "Physician" means an individual licensed or otherwise  
20 authorized to engage in the practice of medicine under part 170 of  
21 the public health code, 1978 PA 368, MCL 333.17001 to 333.17097, or  
22 to engage in the practice of osteopathic medicine and surgery under  
23 part 175 of the public health code, 1978 PA 368, MCL 333.17501 to  
24 333.17556.

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

1           (6) "Priority" means preference for and dedication of a major  
2 proportion of resources to specified populations or services.  
3 Priority does not mean serving or funding the specified populations  
4 or services to the exclusion of other populations or services.

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

13           (8) "Psychiatric residential treatment facility" or "PRTF"  
14 means a facility other than a hospital that provides psychiatric  
15 services, as described in 42 CFR 441.151 to 441.182, in an  
16 inpatient setting to individuals under age 21.

17           (9) "Psychiatric unit" means a unit of a general hospital that  
18 provides inpatient services for individuals with serious mental  
19 illness or serious emotional disturbance. As used in this  
20 subsection, "general hospital" means a hospital as defined in  
21 section 20106 of the public health code, 1978 PA 368, MCL  
22 333.20106.

23           (10) "Psychiatrist" means 1 or more of the following:

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

29           (b) A psychiatrist employed by or under contract with the

1 department or a community mental health services program on March  
2 28, 1996.

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

6 (11) "Psychologist" means an individual who is licensed or  
7 otherwise authorized to engage in the practice of psychology under  
8 part 182 of the public health code, 1978 PA 368, MCL 333.18201 to  
9 333.18237, and who devotes a substantial portion of his or her time  
10 to the diagnosis and treatment of individuals with serious mental  
11 illness, serious emotional disturbance, substance use disorder, or  
12 developmental disability.

13 (12) **"Public behavioral health provider" means a provider or**  
14 **provider entity properly credentialed either by licensure,**  
15 **certification, or other department-approved process and contracted**  
16 **with the department or its single administrative services**  
17 **organization to provide services to residents of this state who**  
18 **have mental illness, emotional disturbance, intellectual or**  
19 **developmental disability, or substance use disorder.**

20 (13) ~~(12)~~—"Public patient" means an individual approved for  
21 mental health services by a community mental health services  
22 program. Public patient includes an individual who is admitted as a  
23 patient under section 423, 429, or 438.

24 (14) ~~(13)~~—"Recipient" means an individual who receives mental  
25 health services, either in person or through telemedicine, from the  
26 department, a community mental health services program, or a  
27 facility or from a provider that is under contract with the  
28 department or a community mental health services program. For the  
29 purposes of this act, recipient does not include an individual

1 receiving substance use disorder services under chapter 2A unless  
2 that individual is also receiving mental health services under this  
3 act in conjunction with substance use disorder services.

4       **(15)** ~~(14)~~—"Recipient rights advisory committee" means a  
5 committee of a community mental health services program board  
6 appointed under section 757 or a recipient rights advisory  
7 committee appointed by a licensed hospital under section 758.

8       **(16)** ~~(15)~~—"Recovery" means a highly individualized process of  
9 healing and transformation by which the individual gains control  
10 over his or her life. Related services include recovery management,  
11 recovery support services, recovery houses or transitional living  
12 programs, and relapse prevention. Recovery involves the development  
13 of a new meaning, purpose, and growing beyond the impact of  
14 addiction or a diagnosis. Recovery may include the pursuit of  
15 spiritual, emotional, mental, or physical well-being.

16       **(17)** ~~(16)~~—"Regional entity" means an entity established under  
17 section 204b to provide specialty services and supports.

18       **(18)** ~~(17)~~—"Rehabilitation" means the act of restoring an  
19 individual to a state of mental and physical health or useful  
20 activity through vocational or educational training, therapy, and  
21 counseling.

22       **(19)** ~~(18)~~—"Resident" means an individual who receives services  
23 in a facility.

24       **(20)** ~~(19)~~—"Responsible mental health agency" means the  
25 hospital, center, or community mental health services program that  
26 has primary responsibility for the recipient's care or for the  
27 delivery of services or supports to that recipient.

28       **(21)** ~~(20)~~—"Rule" means a rule promulgated under the  
29 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to

1 24.328.

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

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

15           (a) A substance use disorder.

16           (b) A developmental disorder.

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

19           (3) "Serious mental illness" means a diagnosable mental,  
20 behavioral, or emotional disorder affecting an adult that exists or  
21 has existed within the past year for a period of time sufficient to  
22 meet diagnostic criteria specified in the most recent Diagnostic  
23 and Statistical Manual of Mental Disorders published by the  
24 American Psychiatric Association and approved by the department and  
25 that has resulted in functional impairment that substantially  
26 interferes with or limits 1 or more major life activities. Serious  
27 mental illness includes dementia with delusions, dementia with  
28 depressed mood, and dementia with behavioral disturbance but does  
29 not include any other dementia unless the dementia occurs in

1 conjunction with another diagnosable serious mental illness. The  
2 following disorders also are included only if they occur in  
3 conjunction with another diagnosable serious mental illness:

4 (a) A substance use disorder.

5 (b) A developmental disorder.

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

8 (4) "Special compensation" means payment to an adult foster  
9 care facility to ensure the provision of a specialized program in  
10 addition to the basic payment for adult foster care. Special  
11 compensation does not include payment received directly from the  
12 Medicaid program for personal care services for a resident, or  
13 payment received under the supplemental security income program.

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

20 (6) "Specialized residential service" means a combination of  
21 residential care and mental health services that are expressly  
22 designed to provide rehabilitation and therapy to a recipient, that  
23 are provided in the recipient's residence, and that are part of a  
24 comprehensive individual plan of services.

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

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

1 (9) "State recipient rights advisory committee" means a  
2 committee appointed by the director under section 756 to advise the  
3 director and the director of the department's office of recipient  
4 rights.

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

12 (11) "Substance use disorder" means chronic disorder in which  
13 repeated use of alcohol, drugs, or both, results in significant and  
14 adverse consequences. Substance use disorder includes substance  
15 abuse.

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

25 (13) "Substance use disorder treatment and rehabilitation  
26 services" means providing identifiable recovery-oriented services  
27 including the following:

28 (a) Early intervention and crisis intervention counseling  
29 services for individuals who are current or former individuals with



1 substance use disorder.

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

4 (c) Planned treatment services, including chemotherapy,  
5 counseling, or rehabilitation for individuals physiologically or  
6 psychologically dependent upon or abusing alcohol or drugs.

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

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

18 (16) "Transfer facility" means a facility selected by the  
19 ~~department-designated community mental health entity,~~ **department or**  
20 **the administrative services organization**, which facility is  
21 physically located in a jail or lockup and is staffed by at least 1  
22 designated representative when in use according to chapter 2A.

23 (17) "Transition services" means a coordinated set of  
24 activities for a special education student designed within an  
25 outcome-oriented process that promotes movement from school to  
26 postschool activities, including postsecondary education,  
27 vocational training, integrated employment including supported  
28 employment, continuing and adult education, adult services,  
29 independent living, or community participation.

1 (18) "Treatment" means care, diagnostic, and therapeutic  
2 services, including administration of drugs, and any other service  
3 for treatment of an individual's serious mental illness, serious  
4 emotional disturbance, or substance use disorder.

5 (19) "Urgent situation" means a situation in which an  
6 individual is determined to be at risk of experiencing an emergency  
7 situation in the near future if he or she does not receive care,  
8 treatment, or support services.

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

18 **Sec. 110a. (1) The behavioral health oversight council is**  
19 **created within the department to advise the department in**  
20 **developing and executing public behavioral health policies,**  
21 **programs, and services. The council shall equitably reflect the**  
22 **geographic and demographic characteristics of individuals served by**  
23 **the public behavioral health system with at least 33% of the**  
24 **membership being primary recipients of the public behavioral health**  
25 **system or their families or guardians, or individuals in recovery**  
26 **from behavioral health conditions served by the public behavioral**  
27 **health system. The council must also reflect experience and**  
28 **expertise in administering and delivering public-funded behavioral**  
29 **health services to children and adults with mental illness,**

1 emotional disturbance, intellectual or developmental disability, or  
2 substance use disorder. The council must include a behavioral  
3 health or physical health medical professional.

4 (2) The behavioral health oversight council consists of the  
5 following members:

6 (a) Fifteen voting members as follows:

7 (i) Five members who are recipients of the public behavioral  
8 health system, a family member or guardian of a recipient of the  
9 public behavioral health system, or an individual who is in  
10 recovery from a behavioral health condition. At least 3 of the  
11 members appointed under this subparagraph must be current  
12 recipients of the public behavioral health system.

13 (ii) One member from each of the 10 prosperity regions who are  
14 not members of the group identified under subparagraph (i). As used  
15 in this subparagraph, "prosperity region" means each of the 10  
16 prosperity regions identified by the department of technology,  
17 management, and budget on the effective date of the amendatory act  
18 that added this section.

19 (b) Up to 4 nonvoting members appointed by the director of the  
20 department who represent the department and departmental agencies  
21 pertinent to delivering public behavioral health and intellectual  
22 or developmental disability services. This includes, but is not  
23 limited to, representatives of the behavioral health and  
24 developmental disabilities administration, the children's services  
25 agency, the developmental disabilities council, the medical  
26 services administration, and the state hospital administration.

27 (3) Voting members of the behavioral health oversight council  
28 under subsection (2) (a) shall be appointed as follows:

29 (a) Three by the governor.

1 (b) Three by the senate majority leader.

2 (c) Three by the speaker of the house of representatives.

3 (d) Three by the senate minority leader.

4 (e) Three by the house minority leader.

5 (4) The voting members first appointed to the behavioral  
6 health oversight council must be appointed within 60 days after the  
7 effective date of the amendatory act that added this section. The  
8 members of the behavioral health oversight council shall serve a  
9 term of 3 years or until a successor is appointed, whichever is  
10 later. A member of the behavioral health oversight council may  
11 serve up to 2 terms. A vacancy on the behavioral health oversight  
12 council must be filled for the unexpired term in the same manner as  
13 the original appointment. The chairperson of the behavioral health  
14 oversight council may remove a member of the council for  
15 incompetence, dereliction of duty, malfeasance, misfeasance, or  
16 nonfeasance during his or her tenure in office, or any other good  
17 cause, on a motion that is approved by the majority of the members  
18 of the behavioral health oversight council.

19 (5) The director of the department or his or her designee  
20 shall call the first meeting of the behavioral health oversight  
21 council 90 days after the effective date of the amendatory act that  
22 added this section. At the first meeting, the behavioral health  
23 oversight council shall elect from among its members a chairperson  
24 and other officers as it considers necessary or appropriate. After  
25 the first meeting, the behavioral health oversight council shall  
26 meet at least quarterly, or more frequently at the call of the  
27 chairperson or if requested by 2/3 or more members. A majority of  
28 the voting members of the behavioral health oversight council  
29 constitute a quorum for the transaction of business at a meeting of

1 the council. A majority of the members present and serving are  
2 required for official action of the council.

3 (6) The business that the council may perform must be  
4 conducted at a public meeting of the council held in compliance  
5 with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275. A  
6 writing prepared, owned, used, in the possession of, or retained by  
7 the council in the performance of an official function is subject  
8 to the freedom of information act, 1976 PA 442, MCL 15.231 to  
9 15.246.

10 (7) Members of the behavioral health oversight council serve  
11 without compensation. Members of the behavioral health oversight  
12 council may be reimbursed for their actual and necessary expenses  
13 incurred in the performance of their official duties as members of  
14 the council.

15 (8) The behavioral health oversight council shall make  
16 specific recommendations on matters related to the planning and  
17 execution of public behavioral health services, including, but not  
18 limited to, each of the following:

19 (a) Review of behavioral health services under chapter 2 and  
20 2A and any other pertinent law or regulation for the provision of  
21 public behavioral health services.

22 (b) Review of periodic reports on the program activities,  
23 finances, and outcomes, including reports on achievement of service  
24 delivery system goals.

25 (c) Report annually to the legislature regarding the council's  
26 activities and the administrative services organization that  
27 includes service outcomes for individuals served.

28 (9) The behavioral health oversight council shall establish  
29 standing and ad hoc committees or subcommittees to carry out its

1 duties. Standing committees must include, but are not limited to,  
2 the following:

3 (a) A substance use disorder oversight policy committee that  
4 performs the following functions:

5 (i) Provide advice and recommendations regarding the  
6 department's or administrative services organization's  
7 dissemination of funding for substance use disorder treatment,  
8 prevention, or recovery services in the context of state, federal,  
9 and local laws or regulations.

10 (ii) Provide advice and recommendations to ensure an adequate  
11 network of substance use disorder treatment, prevention, or  
12 recovery providers.

13 (b) A clinical oversight committee that must consist of an  
14 independent expert panel including, but not limited to, independent  
15 experts in psychiatry, pediatrics, and internal medicine, and  
16 representatives from the consumer oversight committee. The clinical  
17 oversight committee must perform the following functions:

18 (i) Based on a review of the current literature, develop  
19 treatment protocols for the diagnoses or conditions being treated  
20 by the local behavioral health service providers to ensure that  
21 quality care is available to all consumers.

22 (ii) Provide oversight regarding required clinical and person-  
23 centered outcomes that are to be included in service delivery  
24 models.

25 (iii) Along with the department, and after a review of the  
26 current literature and consultation with national experts as  
27 needed, develop a model for front-line integration of physical and  
28 behavioral health care. Provide advice and recommendations  
29 regarding integrated care.

1           (iv) Present the committee's report to the legislature. The  
2 report must include the treatment protocols and model of  
3 integration, as well as the outcome measures and recommendations  
4 for improvements if needed.

5           (c) A financial oversight committee.

6           (d) A consumer oversight committee.

7           Sec. 116. (1) Consistent with section 51 of article IV of the  
8 state constitution of 1963, which declares that the health of the  
9 people of the state is a matter of primary public concern, and as  
10 required by section 8 of article VIII of the state constitution of  
11 1963, which declares that services for the care, treatment,  
12 education, or rehabilitation of those who are seriously mentally  
13 disabled shall always be fostered and supported, the department  
14 shall continually and diligently endeavor to ensure that adequate  
15 and appropriate mental health services are available to all  
16 citizens throughout the state. To this end, the department shall  
17 have the general powers and duties described in this section.

18           (2) The department shall do all of the following:

19           (a) Direct services to individuals who have a ~~serious~~ mental  
20 illness, **intellectual or** developmental disability, ~~or serious~~  
21 emotional disturbance, **or substance use disorder**. The department  
22 shall ~~give priority to the following services:~~**prioritize services**  
23 **for individuals with the most severe forms of these conditions and**  
24 **individuals with these conditions who are in urgent, crisis, or**  
25 **emergency situations. The department may promulgate rules to carry**  
26 **out this section and further describe priority populations to be**  
27 **served.**

28           ~~(i) Services for individuals with the most severe forms of~~  
29 ~~serious mental illness, serious emotional disturbance, or~~

1 ~~developmental disability.~~

2 ~~(ii) Services for individuals with serious mental illness,~~  
3 ~~serious emotional disturbance, or developmental disability who are~~  
4 ~~in urgent or emergency situations.~~

5 (b) Administer the provisions of chapter 2 so as to promote  
6 and maintain an adequate and appropriate system of community mental  
7 health services programs throughout the state. In the  
8 administration of ~~chapter~~ **chapters 2 and 2A**, ~~it shall be the~~  
9 **department's** objective ~~of the department is~~ to shift primary  
10 responsibility for the direct delivery of public ~~mental health~~  
11 **behavioral** services from the state to a community mental health  
12 services program, ~~whenever the community mental health services~~  
13 ~~program has demonstrated a willingness and capacity to provide an~~  
14 ~~adequate and appropriate system of mental health services for the~~  
15 ~~citizens of that service area.~~ **approved services program, or other**  
16 **public behavioral health service provider. The department or the**  
17 **single administrative services organization established in section**  
18 **117 may provide, directly or through a contract, any service or set**  
19 **of services to ensure that this state has an adequate network of**  
20 **public behavioral health services.**

21 (c) Engage in planning for the purpose of identifying,  
22 assessing, and enunciating the mental health needs of the state.

23 (d) Submit to the members of the house and senate standing  
24 committees and appropriation subcommittees with legislative  
25 oversight of mental health matters an annual report summarizing its  
26 assessment of the mental health needs of the state and  
27 incorporating information received from community mental health  
28 services programs under section 226. The report shall include an  
29 estimate of the cost of meeting all identified needs. Additional



1 information shall be made available to the legislature upon  
2 request.

3 (e) Endeavor to develop and establish arrangements and  
4 procedures for the effective coordination and integration of all  
5 public mental health services, and for effective cooperation  
6 between public and nonpublic services, for the purpose of providing  
7 a unified system of statewide mental health care.

8 (f) Review and evaluate the relevance, quality, effectiveness,  
9 and efficiency of mental health services being provided by the  
10 department and ~~assure~~**ensure** the review and evaluation of mental  
11 health services provided by community mental health services  
12 programs. The department shall establish and implement a structured  
13 system to provide data necessary for the reviews and evaluations.

14 (g) Implement those provisions of law under which it is  
15 responsible for the licensing or certification of mental health  
16 facilities or services.

17 (h) Establish standards of training and experience for  
18 executive directors of community mental health services programs.

19 (i) Support research activities.

20 (j) Support evaluation and quality improvement activities.

21 (k) Support training, consultation, and technical assistance  
22 regarding mental health programs and services and appropriate  
23 prevention and mental health promotion activities, including those  
24 that are culturally sensitive, to employees of the department,  
25 community mental health services programs, and other nonprofit  
26 agencies providing mental health services under contract with  
27 community mental health services programs.

28 (l) Support multicultural services.

29 (3) The department may do all of the following:

1           (a) Direct services to individuals who have mental disorders  
2 that meet diagnostic criteria specified in the most recent  
3 diagnostic and statistical manual of mental health disorders  
4 published by the American psychiatric association and approved by  
5 the department and to the prevention of mental disability and the  
6 promotion of mental health. Resources that have been specifically  
7 appropriated for services to individuals with dementia, alcoholism,  
8 or substance abuse, or for the prevention of mental disability and  
9 the promotion of mental health shall be utilized for those specific  
10 purposes.

11           (b) Provide, on a residential or nonresidential basis, any  
12 type of patient or client service including but not limited to  
13 prevention, diagnosis, treatment, care, education, training, and  
14 rehabilitation.

15           (c) Operate mental health programs or facilities directly or  
16 through contractual arrangement.

17           (d) Institute pilot projects considered appropriate by the  
18 director to test new models and concepts in service delivery or  
19 mental health administration. Pilot projects may include, but need  
20 not be limited to, both of the following:

21           (i) Issuance of a voucher to a recipient of public mental  
22 health services in accordance with the recipient's individual plan  
23 of services and guidelines developed by the department.

24           (ii) Establishment of revolving loans to assist recipients of  
25 public mental health services to acquire or maintain affordable  
26 housing. Funding under this subparagraph shall only be provided  
27 through an agreement with a nonprofit fiduciary in accordance with  
28 guidelines and procedures developed by the department related to  
29 the use, issuance, and accountability of revolving loans used for

1 recipient housing.

2 (e) Enter into an agreement, contract, or arrangement with any  
3 individual or public or nonpublic entity that is necessary or  
4 appropriate to fulfill those duties or exercise those powers that  
5 have by statute been given to the department.

6 (f) Accept gifts, grants, bequests, and other donations for  
7 use in performing its functions. Any money or property accepted  
8 shall be used as directed by its donor and in accordance with law  
9 and the rules and procedures of the department.

10 (g) The department has any other power necessary or  
11 appropriate to fulfill those duties and exercise those powers that  
12 have been given to the department by law and that are not otherwise  
13 prohibited by law.

14 **(4) To carry out the powers and duties under this section, the**  
15 **department shall utilize a self-insured financing and delivery**  
16 **system structure to administer and provide the services required**  
17 **under this section including, but not limited to, providing**  
18 **behavioral health and intellectual or developmental disability**  
19 **specialty supports and services directly or by contracting with a**  
20 **single administrative services organization in accordance with**  
21 **section 117 and section 109f of the social welfare act, 1939 PA**  
22 **280, MCL 400.109f.**

23 (5) The department shall provide operational oversight of the  
24 administrative services organization established in section 117  
25 through contract, policy, administrative rules, or other means  
26 necessary to carry out its oversight function. This includes, but  
27 is not limited to, all of the following:

28 (a) Develop a comprehensive plan for monitoring the  
29 performance of administrative services organizations which shall

1 include data on service authorizations, individual outcomes,  
2 appeals, outreach and accessibility, and comments from program  
3 participants and community partners including, but not limited, to  
4 health systems, primary care providers, representatives from the  
5 criminal justice system, and education compiled from written  
6 surveys and face-to-face interviews.

7 (b) Establish policies to coordinate public behavioral health  
8 benefits with other benefits received under Medicaid, including  
9 coordinated delivery of physical and behavioral health care with  
10 guidance from the clinical oversight committee and its  
11 recommendations.

12 (c) Develop consumer and provider appeal procedures. These  
13 procedures must include, but are not limited to, procedures for a  
14 consumer or any provider, including a primary care physician,  
15 acting on behalf of a consumer to appeal a denial or determination.  
16 The department shall establish time frames for appealing decisions  
17 made by the single administrative services organization, including  
18 an expedited review in emergency situations. Any procedure for  
19 appeals shall require that an appeal be heard not later than 30  
20 days after the appeal is filed and shall be decided not later than  
21 45 days after the appeal is filed. Nothing in this subdivision  
22 precludes any other right of repeal provided under state or federal  
23 law.

24 (6) The department shall develop policies and procedures for  
25 the reimbursement of public behavioral health services, including  
26 developing initial rates, reducing existing rates, and changes in  
27 rate methodology.

28 (7) The department may promulgate rules and establish Medicaid  
29 policy to carry out the duties established under this section.

1           Sec. 117. (1) The department may enter into a contract with a  
2 single administrative services organization to carry out its powers  
3 and duties under section 116 by issuing a request for proposal.

4           (2) The single administrative services organization selected  
5 under this section must be organized as a nonprofit organization or  
6 a public or quasi-public entity. The single administrative services  
7 organization cannot be a community mental health services program,  
8 a group of community mental health services programs under the  
9 urban cooperation act of 1967, 1967 (Ex Sess) PA 7, MCL 124.501 to  
10 124.512, or any other group or confederation of community mental  
11 health services programs. The administrative services organization  
12 must have a full-time medical director.

13           (3) The contract entered under this section must require the  
14 administrative services organization to perform, at least, all of  
15 the following duties and functions:

- 16           (a) Eligibility verification.
- 17           (b) Utilization management.
- 18           (c) Intensive care management.
- 19           (d) Quality management.
- 20           (e) Coordination of medical and behavioral health services.
- 21           (f) Provider network development and management.
- 22           (g) Recipient rights and provider services and reporting.
- 23           (h) Customer services.
- 24           (i) Corporate compliance that includes adherence to all  
25 applicable state and federal civil rights statutes and regulations.
- 26           (j) Clinical management services not retained by the  
27 department.

28           (4) The administrative services organization shall authorize  
29 services based on policy and guidelines set forth by the

1 department. Exceptions to the department policy or guidelines may  
 2 be made when requested by a recipient of public behavioral health  
 3 services, a recipient's legal guardian, or a recipient's service  
 4 provider, and determined by the administrative services  
 5 organization to be in the best interest of the recipient. Decisions  
 6 regarding the interpretation of guidelines must be made by the  
 7 department. An administrative services organization shall not have  
 8 any financial incentive to approve, deny, or reduce services.  
 9 Administrative services organizations shall ensure that service  
 10 providers and individuals seeking services have timely access to  
 11 program information and timely responses to inquiries, including  
 12 inquiries concerning the clinical guidelines for services and  
 13 expected outcomes.

14 (5) The administrative services organization shall oversee and  
 15 utilize the Michigan crisis and access line to fulfill these duties  
 16 and functions on behalf of the department.

17 (6) The business that the administrative services organization  
 18 board or any committee of the administrative services organization  
 19 board may perform must be conducted at a public meeting of the  
 20 council held in compliance with the open meetings act, 1976 PA 267,  
 21 MCL 15.261 to 15.275.

22 (7) A writing prepared, owned, used, in the possession of, or  
 23 retained by an administrative services organization board or  
 24 committees of the administrative services organization board in the  
 25 performance of an official function is subject to the freedom of  
 26 information act, 1976 PA 442, MCL 15.231 to 15.246.

27 Sec. 206. (1) The purpose of a community mental health  
 28 services program ~~shall be~~ **is** to provide a comprehensive array of  
 29 mental health services appropriate to conditions of individuals who

1 are located within its geographic service area, regardless of an  
2 individual's ability to pay. The array of mental health services  
3 shall include, at a minimum, all of the following:

4 ~~(a) Crisis stabilization and response including a 24-hour,~~  
5 **Twenty-four-hour**, 7-day per week, crisis emergency service that is  
6 prepared to respond to ~~persons~~**individuals** experiencing acute  
7 emotional, behavioral, or social dysfunctions, and ~~the provision of~~  
8 **providing** inpatient or other protective environment for treatment  
9 **provided by the administrative services organization, the Michigan**  
10 **crisis and access line or MiCAL, community mental health services**  
11 **programs, approved service programs, and other public behavioral**  
12 **health providers under the direction of the department. These**  
13 **services must include, but are not limited to, the following:**

14 **(i) Coordination with MiCAL. MiCAL shall serve as the statewide**  
15 **crisis and access line accepting all calls and dispatching support**  
16 **based on the assessed need of the caller.**

17 **(ii) Providing, either directly or by contract, mobile crisis**  
18 **teams staffed or contracted by community mental health services**  
19 **programs that are dispatched at the direction of MiCAL to wherever**  
20 **the need is in the community.**

21 **(iii) Providing, either directly or by contract, crisis**  
22 **stabilization units that serve everyone in need from all referral**  
23 **sources, including MiCAL.**

24 (b) Identification, assessment, and diagnosis to determine the  
25 specific needs of the recipient and to develop an individual plan  
26 of services.

27 (c) Planning, linking, coordinating, follow-up, and monitoring  
28 to assist the recipient in gaining access to services.

29 (d) Specialized mental health recipient training, treatment,

1 and support, including therapeutic clinical interactions,  
 2 socialization and adaptive skill and coping skill training, health  
 3 and rehabilitative services, and pre-vocational and vocational  
 4 services.

5 (e) Recipient rights services.

6 (f) Mental health advocacy.

7 (g) Prevention activities that serve to inform and educate  
 8 with the intent of reducing the risk of severe recipient  
 9 dysfunction.

10 (h) Any other service approved by the department.

11 (2) Services ~~shall~~**must** promote the best interests of the  
 12 individual and ~~shall~~**must** be designed to increase independence,  
 13 improve quality of life, and support community integration and  
 14 inclusion. Services for children and families ~~shall~~**must** promote  
 15 the best interests of the individual receiving services and ~~shall~~  
 16 **must** be designed to strengthen and preserve the family unit if  
 17 appropriate. The community mental health services program ~~shall~~  
 18 **must** deliver services in a manner that demonstrates they are based  
 19 upon recipient choice and involvement, and ~~shall~~**must** include  
 20 wraparound services when appropriate.

21 **(3) The department may promulgate rules and establish Medicaid**  
 22 **policy to carry out the provisions of this section.**

23 Sec. 208. (1) Services provided by a community mental health  
 24 services program ~~shall~~**must** be directed to individuals who have a  
 25 ~~serious~~ mental illness, ~~serious~~ emotional disturbance, **intellectual**  
 26 or developmental disability, **or substance use disorder.**

27 ~~(2) Services may be directed to individuals who have other~~  
 28 ~~mental disorders that meet criteria specified in the most recent~~  
 29 ~~diagnostic and statistical manual of mental health disorders~~



1 ~~published by the American psychiatric association and may also be~~  
 2 ~~directed to the prevention of mental disability and the promotion~~  
 3 ~~of mental health. Resources that have been specifically designated~~  
 4 ~~to community mental health services programs for services to~~  
 5 ~~individuals with dementia, alcoholism, or substance use disorder or~~  
 6 ~~for the prevention of mental disability and the promotion of mental~~  
 7 ~~health shall be utilized for those specific purposes.~~

8       (2) ~~(3) Priority shall be given to the provision of services~~  
 9 ~~to individuals with the most severe forms of serious mental~~  
 10 ~~illness, serious emotional disturbance, and developmental~~  
 11 ~~disability. Priority shall also be given to the provision of~~  
 12 ~~services to individuals with a serious mental illness, serious~~  
 13 ~~emotional disturbance, or developmental disability in urgent or~~  
 14 ~~emergency situations.~~ **for services must follow the provisions set**  
 15 **forth in section 116(2) (a) (i) and (ii) .**

16       (3) ~~(4) An individual shall not be denied a service because an~~  
 17 ~~individual who is financially liable is unable to pay for the~~  
 18 ~~service.~~

19       Sec. 210. (1) Any single county or any combination of  
 20 adjoining counties may elect to establish a community mental health  
 21 services program by a majority vote of each county board of  
 22 commissioners.

23       (2) ~~A department-designated community mental health entity~~ **The**  
 24 **department or the administrative services organization** shall  
 25 coordinate ~~the provision of~~ **providing** substance use disorder  
 26 services in its region and shall ensure services are available for  
 27 individuals with substance use disorder.

28       Sec. 232. The department ~~shall~~ **or the administrative services**  
 29 **organization must** review each community mental health services

1 program's annual plan, needs assessment, request for funds, annual  
 2 contract, and operating budget and approve or disapprove state  
 3 funding in whole or in part. Eligibility for state financial  
 4 support ~~shall be~~**is** contingent upon an approved contract and  
 5 operating budget and certification in accordance with section 232a.  
 6 ~~Prior to~~**Before** the beginning of each state fiscal year, the  
 7 department shall allocate state appropriated funds to the community  
 8 mental health service programs in accordance with the approved  
 9 contracts and budgets.

10       Sec. 269. The ~~department-designated community mental health~~  
 11 ~~entity and its community mental health services program provider~~  
 12 ~~network~~**department or the administrative services organization** may  
 13 contract for and spend funds for the prevention of substance use  
 14 disorder and for the counseling and treatment of individuals with  
 15 substance use disorder. ~~A department-designated community mental~~  
 16 ~~health entity and other community mental health services program~~  
 17 ~~may make contracts with the governing bodies of other department-~~  
 18 ~~designated community mental health entities and other community~~  
 19 ~~mental health services programs and other persons for these~~  
 20 ~~purposes.~~

21       Sec. 270. The department shall do all of the following:

22       (a) Administer and coordinate state administered funds for  
 23 substance use disorder treatment and rehabilitation services and  
 24 substance use disorder prevention services.

25       (b) Use appropriations of revenues from taxes imposed by the  
 26 Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1101 to  
 27 436.2303, exclusively for the purposes provided in that act.

28       (c) Recommend directly to the governor, after review and  
 29 comment, budget and grant requests for public funds to be allocated

1 for substance use disorder services including education, research,  
2 treatment, rehabilitation, and prevention activities.

3 (d) Provide technical assistance to ~~department-designated~~  
4 ~~community mental health entities~~ **the administrative services**  
5 **organization** and community mental health services programs and to  
6 treatment, rehabilitation, and prevention agencies for the purposes  
7 of program development, administration, and evaluation.

8 (e) Develop annually a comprehensive state plan through the  
9 use of federal, state, local, and private resources of adequate  
10 services and facilities for the prevention and control of substance  
11 use disorder and the diagnosis, treatment, and rehabilitation of  
12 individuals with substance use disorder.

13 (f) Evaluate, in cooperation with appropriate state  
14 departments and agencies, the effectiveness of substance use  
15 disorder services in the state funded by federal, state, local, and  
16 private resources, and annually during the month of November,  
17 report a summary of the detailed evaluation to the governor and the  
18 legislature.

19 Sec. 271. The department shall do both of the following:

20 (a) Cooperate with agencies of the federal government and  
21 receive and use federal funds for purposes authorized by the  
22 legislature.

23 (b) ~~Prior to the expenditure of~~ **Before expending** funds  
24 appropriated to other state agencies receiving appropriations for  
25 substance use disorder treatment and rehabilitation services and  
26 substance use disorder prevention services, have a contract signed  
27 with the ~~receiving department-designated community mental health~~  
28 ~~entity.~~ **administrative services organization, if applicable.** The  
29 department shall submit a copy of each agreement to the governor

1 and the appropriations committees of the senate and house of  
2 representatives.

3 Sec. 273. (1) The department shall do all of the following:

4 (a) Annually establish program priority for funding for the  
5 next fiscal year.

6 (b) Establish guidelines for project applications.

7 (c) Promulgate rules concerning matching requirements for  
8 state alcoholism and drug abuse treatment grants. The rules shall  
9 be reviewed every 2 years.

10 (2) The ~~department-designated community mental health entities~~  
11 ~~and community mental health services program provider networks~~  
12 **department or the administrative services organization** shall ensure  
13 that applicants for state administered funds are licensed, unless  
14 exempt, as substance use disorder service programs under part 62 of  
15 the public health code, 1978 PA 368, MCL 333.6230 to 333.6251.

16 (3) The department may issue licenses; require reports;  
17 establish standards and procedures; and make inspections necessary  
18 to enforce this chapter and rules promulgated under this chapter;  
19 and provide technical assistance for the guidance of substance use  
20 disorder service programs in complying with the requirements and  
21 rules promulgated under this chapter.

22 Sec. 274. ~~A department-designated community mental health~~  
23 ~~entity designated by the director to assume responsibility for~~  
24 ~~providing substance use disorder services for a county or~~  
25 ~~multicounty region, with assistance from its community mental~~  
26 ~~health services program provider network, **The department or the**~~  
27 **administrative services organization** shall do all of the following:

28 (a) Develop comprehensive plans for substance use disorder  
29 treatment and rehabilitation services and substance use disorder

1 prevention services consistent with guidelines established by the  
2 department.

3 (b) Review and comment to the department of licensing and  
4 regulatory affairs on applications for licenses submitted by local  
5 treatment, rehabilitation, and prevention organizations.

6 (c) Provide technical assistance for local substance use  
7 disorder service programs.

8 (d) Collect and transfer data and financial information from  
9 local programs to the department of licensing and regulatory  
10 affairs.

11 (e) Submit an annual budget request to the department for use  
12 of state administered funds for its substance use disorder  
13 treatment and rehabilitation services and substance use disorder  
14 prevention services in accordance with guidelines established by  
15 the department.

16 (f) Make contracts necessary and incidental to the performance  
17 of the ~~department-designated community mental health entity's and~~  
18 ~~community mental health services program's~~ **department's or**  
19 **administrative services organization's** functions. The contracts may  
20 be made with public or private agencies, organizations,  
21 associations, and individuals to provide for substance use disorder  
22 treatment and rehabilitation services and substance use disorder  
23 prevention services. **Priority must be given to community mental**  
24 **health services programs able and willing to provide substance use**  
25 **disorder prevention, treatment, and rehabilitation services.**

26 (g) Annually evaluate and assess substance use disorder  
27 services ~~in the department-designated community mental health~~  
28 ~~entity~~ **provided** in accordance with **department policies** guidelines.  
29 ~~established by the department.~~

1           Sec. 275. (1) Subject to subsection (2), if ~~a department-~~  
 2 ~~designated community mental health entity under this chapter~~ **the**  
 3 **administrative services organization** maintains a waiting list for  
 4 services, the ~~department-designated community mental health entity~~  
 5 ~~shall~~ **administrative services organization must** place a parent  
 6 whose child has been removed from the home under the child  
 7 protection laws of this state or is in danger of being removed from  
 8 the home under the child protection laws of this state because of  
 9 the parent's substance use disorder in a priority position on the  
 10 waiting list above all other applicants with substantially similar  
 11 clinical conditions.

12           (2) If ~~a department-designated community mental health entity~~  
 13 **the department** receives federal substance abuse prevention and  
 14 treatment block grant funds, the ~~priority~~ **department or its**  
 15 **administrative services organization must prioritize the** position  
 16 of the parent on the waiting list granted under subsection (1) ~~will~~  
 17 ~~come to come~~ after a priority position on the waiting list granted  
 18 under the conditions of the federal block grant. If the parent  
 19 qualifies for priority status on the waiting list under the  
 20 conditions of the federal block grant, the ~~department-designated~~  
 21 ~~community mental health entity shall~~ **department or its**  
 22 **administrative services organization must** place the parent in that  
 23 priority position on the waiting list.

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~~ **individual** presents an imminent danger or

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

13 (2) A program in which a respondent is being held ~~pursuant~~  
14 **according** to subsection (1) shall 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 transport the respondent to a program on  
 6 the list provided under subsection (5) for treatment. The peace  
 7 officer shall transport the respondent to the program. The  
 8 transportation costs of the peace officer shall be included in the  
 9 costs of treatment for substance use disorder to be paid as  
 10 provided in section 281a(4).

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

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

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

26 Enacting section 1. Sections 110, 204b, 232b, and 287 of the  
 27 mental health code, 1974 PA 258, MCL 330.1110, 330.1204b,  
 28 330.1232b, and 330.1287, are repealed.

29 Enacting section 2. This amendatory act does not take effect



- 1 unless Senate Bill No. \_\_\_\_\_ or House Bill No. 4926 (request no.
- 2 02615'21) of the 101st Legislature is enacted into law.