

SUBSTITUTE FOR
SENATE BILL NO. 918

A bill to amend 1974 PA 258, entitled
"Mental health code,"
by amending section 473 (MCL 330.1473), as amended by 2018 PA 593.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 473. **(1) ~~Not~~ Except as otherwise provided in this**
2 **section, not** less than 14 days before the expiration of an initial,
3 second, or continuing order of involuntary mental health treatment
4 issued under section 472a or section 485a, a hospital director or
5 an agency or ~~mental health professional~~ **a physician, psychologist,**
6 **or qualified health professional** supervising an individual's
7 assisted outpatient treatment shall file a petition for a second or
8 continuing order of involuntary mental health treatment if the
9 hospital director or supervisor believes the individual continues

1 to be a person requiring treatment and that the individual is
2 likely to refuse treatment on a voluntary basis when the order
3 expires. The petition ~~shall~~**must** contain a statement setting forth
4 the reasons for the hospital director's or supervisor's or their
5 joint determination that the individual continues to be a person
6 requiring treatment, a statement describing the treatment program
7 provided to the individual, the results of that course of
8 treatment, and a clinical estimate as to the time further treatment
9 will be required. The petition ~~shall~~**must** be accompanied by ~~a~~**both**
10 **of the following, as applicable:**

11 (a) A clinical certificate executed by a
12 ~~psychiatrist~~**physician, psychologist, or qualified health**
13 **professional.**

14 (b) Except as otherwise provided in this subdivision, evidence
15 that the physician, psychologist, or qualified health professional
16 who executed the clinical certificate under subdivision (a)
17 discussed their findings and the plan for treatment for the
18 individual subject to the petition with a psychiatrist during or
19 immediately after the examination. This subdivision does not apply
20 to a physician who is a psychiatrist.

21 (2) Not less than 14 days before the expiration of an initial,
22 second, or continuing order of assisted outpatient treatment issued
23 under section 472a, a hospital director, an agency, a physician,
24 psychologist, or qualified health professional supervising an
25 individual's assisted outpatient treatment, or an individual 18
26 years of age or older, may file a petition for a second or
27 continuing order of involuntary mental health treatment if the
28 individual continues to be a person requiring treatment and the
29 individual is likely to refuse treatment on a voluntary basis when

1 the order expires. The petition must contain a statement setting
2 forth the reason for the determination that the individual
3 continues to be a person requiring treatment, a statement
4 describing the treatment program provided to the individual, the
5 result of that course of treatment, and a clinical estimate as to
6 the time further treatment will be required. The petition must be
7 accompanied by both of the following, as applicable:

8 (a) A clinical certificate executed by a physician,
9 psychologist, or qualified health professional.

10 (b) Except as otherwise provided in this subdivision, evidence
11 that the physician, psychologist, or qualified health professional
12 who executed the clinical certificate under subdivision (a)
13 discussed their findings and the plan for treatment for the
14 individual subject to the petition with a psychiatrist during or
15 immediately after the examination. This subdivision does not apply
16 to a physician who is a psychiatrist.

17 (3) As used in this section:

18 (a) "Psychiatric nurse practitioner" means an individual who
19 is licensed as a registered professional nurse under part 172 of
20 the public health code, 1978 PA 368, MCL 333.17201 to 333.17242,
21 who has been granted a specialty certification as a nurse
22 practitioner by the Michigan board of nursing under section 17210
23 of the public health code, 1978 PA 368, MCL 333.17210, and who has
24 training in the area of mental health.

25 (b) "Qualified health professional" means a psychiatric nurse
26 practitioner who is acting under the delegation of a psychiatrist
27 under section 16215 of the public health code, 1978 PA 368, MCL
28 333.16215, or a physician's assistant who is acting pursuant to a
29 practice agreement with a psychiatrist under article 15 of the

1 public health code, 1978 PA 368, MCL 333.16101 to 333.18838.