

SENATE BILL NO. 802

March 19, 2024, Introduced by Senators WOJNO, BAYER and CHANG and referred to the Committee on Health Policy.

A bill to amend 1974 PA 258, entitled "Mental health code," by amending sections 151 and 165 (MCL 330.1151 and 330.1165), section 151 as amended by 2021 PA 21 and section 165 as amended by 2021 PA 22.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 151. (1) As used in this section:
2 (a) "Community mental health services program" means a program
3 operated under chapter 2 as a county community mental health

1 **agency, a community mental health authority, or a community mental**
2 **health organization.**

3 (b) ~~(a)~~—"Psychiatric facility" means a psychiatric hospital or
4 psychiatric unit licensed under section 134.

5 (c) ~~(b)~~—"Registry" means the inpatient psychiatric bed
6 registry created in subsection (2).

7 (2) The department shall establish and administer an
8 electronic inpatient psychiatric bed **and community-based services**
9 registry. The registry must be a web-based resource to identify
10 available **community-based services and** psychiatric beds in this
11 state categorized by patient gender, acuity, age, and diagnosis.
12 The registry must be accessible through the department's website.

13 (3) The department may, by contract, delegate creating,
14 operating, and maintaining the registry to a private entity.

15 (4) Psychiatric facilities and other providers determined by
16 the department must provide the department with the number of
17 inpatient psychiatric beds available in those facilities at the
18 time the information is provided. The information must be provided
19 by the psychiatric facilities and other providers on a basis as
20 close to real time as possible **and be integrated with existing**
21 **electronic medical record platforms.** Psychiatric facilities and
22 other providers must provide the department with this information
23 as specified under subsection ~~(7)~~ **(8)**.

24 (5) **Community mental health services programs must provide the**
25 **department with the number, type, and other pertinent information**
26 **on the community-based mental health and substance use disorder**
27 **services available in the community mental health services**
28 **program's geographic service area. The information must be provided**
29 **by the community mental health services program on a basis as close**

1 **to real time as possible.**

2 (6) ~~(5)~~—The registry must be made accessible to prepaid
3 inpatient health plans, licensed health plans, community mental
4 health services programs, acute care hospitals, psychiatric
5 facilities, and employees and caregivers with other appropriate
6 providers.

7 (7) ~~(6)~~—The department shall create a committee to provide
8 guidance on creating, operating, and maintaining the registry. The
9 committee shall include representatives from the following groups:

10 (a) The department.

11 (b) The department of licensing and regulatory affairs.

12 (c) **Acute care hospitals or emergency department staff.**

13 (d) ~~(e)~~—Psychiatric facilities.

14 (e) **Community mental health services programs.**

15 (f) ~~(d)~~—End users of the registry as described under
16 subsection ~~(5)~~—(6).

17 (g) ~~(e)~~—Consumers, families, and advocates.

18 (h) ~~(f)~~—Law enforcement.

19 (8) ~~(7)~~—The department shall establish requirements for
20 psychiatric facilities, **community mental health services programs,**
21 and other providers as determined by the department to report
22 information to the department in consultation with the committee
23 established under subsection ~~(6)~~—(7).

24 (9) ~~(8)~~—The department must provide quarterly reports on the
25 progress of implementing the registry beginning on the first
26 quarter after ~~the effective date of the amendatory act that added~~
27 ~~this section.~~ **March 28, 2019.** The department must provide these
28 quarterly reports to the chairs of the house and senate committees
29 on health policy and the chairs of the house and senate

1 appropriations subcommittees for the department of health and human
2 services.

3 (10) ~~(9)~~—The department, in consultation with the committee
4 established under subsection ~~(6)~~, ~~(7)~~, may establish a policy for
5 the secondary use of registry data.

6 (11) ~~(10)~~—The department must provide all of the information
7 listed on the registry under this section to the contractor or
8 entity that operates or maintains the Michigan crisis and access
9 line created under section 165.

10 Sec. 165. (1) Subject to appropriation, the department shall
11 establish and make available to the public a mental health
12 telephone access line known as the Michigan crisis and access line.

13 (2) The department shall ~~contract~~ **do both of the following:**

14 **(a) Compile a list of available community mental health**
15 **services programs and substance use disorder services programs,**
16 **including the availability of services in each program, and**
17 **disclose that information to individuals that use the access line**
18 **through appropriate information sharing.**

19 **(b) Contract** for the design, operation, and maintenance of the
20 access line. The access line must be available 24 hours a day, 7
21 days a week. A contractor operating or maintaining the access line
22 shall do all of the following:

23 **(i)** ~~(a)~~—Have the ability to access information related to the
24 availability of services, including near real-time access to any
25 registry of available inpatient psychiatric beds, crisis
26 residential beds, and substance use disorder beds.

27 **(ii)** ~~(b)~~—Refer and connect individuals requiring mental health
28 or substance use disorder services to mental health professionals,
29 including, but not limited to, community mental health services

1 programs and prepaid inpatient health plans, using
 2 telecommunications and digital communications methods commonly in
 3 use, such as a telephone call, text message, ~~electronic mail,~~
 4 **email**, and internet chat.

5 **(iii)** ~~(e)~~—Implement practices to comply with all applicable laws
 6 respecting individual and patient privacy.

7 **(iv)** ~~(d)~~—Implement practices to ensure the security of the data
 8 collected, in line with industry best practices and in compliance
 9 with all applicable laws.

10 **(v)** ~~(e)~~—Notwithstanding ~~subdivisions (e) and (d),~~
 11 **subparagraphs (iii) and (iv)**, collect data and utilize data analytics
 12 to track the success of the access line's operations and identify
 13 trends in service needs and outcomes.

14 **(vi)** ~~(f)~~—Develop and utilize a customer relationship management
 15 infrastructure for the access line to track, monitor, assign,
 16 follow up, and report on access line operations. This customer
 17 relationship management infrastructure must provide appropriate
 18 community and provider access.

19 **(vii)** ~~(g)~~—Require contractors maintaining the access line to
 20 inform individuals seeking behavioral health care that bed registry
 21 data may not be accurate and bed availability is not guaranteed.

22 (3) The department of licensing and regulatory affairs shall
 23 provide behavioral health provider licensure data to the
 24 department. The department may use this data and work with the
 25 contractor described in subsection (2) to leverage existing
 26 databases and other sources of information identifying mental
 27 health professionals providing mental health services and providers
 28 of substance use disorder treatment and rehabilitation services and
 29 to utilize the most current provider information available.

1 (4) The department has operational oversight for, including
2 access to and utilization of, the customer relationship management
3 infrastructure. Community mental health services programs and
4 prepaid inpatient health plans may access the customer relationship
5 management infrastructure.

6 (5) The access line must be able to support calls relating to
7 services and supports described in section 206.

8 (6) An individual operating or maintaining the access line
9 under contract with the department has the same immunity provided
10 for a governmental employee under section 7 of 1964 PA 170, MCL
11 691.1407.

12 (7) A state-operated registry of available inpatient
13 psychiatric beds, crisis residential beds, or substance use
14 disorder beds **and other community mental health services programs**
15 **and substance use disorder services programs** must report all data
16 collected for that registry to the department or the entity
17 operating or maintaining the access line under contract with the
18 department.

19 (8) A health facility, health professional, or contractor
20 shall not be held civilly or criminally liable for inaccurate
21 registry data that is shared under this section.