

SENATE BILL NO. 1048

October 23, 2024, Introduced by Senators WEBBER and OUTMAN and referred to the Committee on Housing and Human Services.

A bill to amend 1974 PA 258, entitled "Mental health code," by amending sections 100d and 756 (MCL 330.1100d and 330.1756), section 100d as amended by 2022 PA 214 and section 756 as added by 1995 PA 290.

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

1 disorder service.

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

13 (a) A substance use disorder.

14 (b) A developmental disorder.

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

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

1 they occur in conjunction with another diagnosable serious mental
2 illness:

3 (a) A substance use disorder.

4 (b) A developmental disorder.

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

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

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

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

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

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

29 (10) "State recipient rights advisory committee" means ~~a~~the

1 ~~committee appointed by the director~~ under section 756 ~~to advise~~
2 **that advises** the director and the director of the department's
3 office of recipient rights.

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

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

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

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

27 (a) Early intervention and crisis intervention counseling
28 services for individuals who are current or former individuals with
29 substance use disorder.

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

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

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

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

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

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

29 (19) "Treatment" means care, diagnostic, and therapeutic

1 services, including administration of drugs, and any other service
 2 for treatment of an individual's serious mental illness, serious
 3 emotional disturbance, or substance use disorder.

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

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

17 Sec. 756. (1) ~~The Subject to subsections (2) and (3), the~~
 18 director shall appoint ~~a 12-member~~ **12 members to a 15-member** state
 19 recipient rights advisory committee. ~~The Subject to subsections (2)~~
 20 **and (3), the** membership of the committee ~~shall~~ **must** be broadly
 21 based so as to best represent the varied perspectives of department
 22 staff, government officials, attorneys, community mental health
 23 services program staff, private providers, recipients, and
 24 recipient interest groups. At least 1/3 of the ~~membership~~ **12**
 25 **appointed members** of the state recipient rights advisory committee
 26 ~~shall~~ **must** be primary consumers or family members, and of that 1/3,
 27 at least 2 shall be primary consumers. In appointing members to the
 28 advisory committee, the director shall consider the recommendations
 29 of the director of the state office of recipient rights and

1 individuals who are members of the recipient rights advisory
2 committee.

3 (2) Beginning on the effective date of the amendatory act that
4 added this sentence, in addition to the 12 members described under
5 subsection (1), the state recipient rights advisory committee
6 described under subsection (1) must also include the following
7 members appointed by the director:

8 (a) One individual who represents the interests of Disability
9 Rights Michigan.

10 (b) One individual who represents the interests of the Mental
11 Health Association in Michigan.

12 (c) One individual who represents the interests of Arc
13 Michigan.

14 (3) Beginning on the effective date of the amendatory act that
15 added this sentence, an individual who is employed, serving, or a
16 part of the executive office at the department is prohibited from
17 appointment and service on the state recipient rights advisory
18 committee described under subsection (1). If an individual
19 described in this subsection is a member of the state recipient
20 rights advisory committee described under subsection (1) on the
21 effective date of the amendatory act that added this sentence, by
22 not later than 30 days after the effective date of the amendatory
23 act that added this sentence, the director shall replace that
24 member with a member who meets the criteria for appointment under
25 subsection (1) or (2), as applicable.

26 (4) ~~(2)~~—The state recipient rights advisory committee
27 described under subsection (1) shall do all of the following:

28 (a) Meet at least quarterly, or more frequently as necessary,
29 to carry out its responsibilities.

1 (b) Maintain a current list of members' names to be made
2 available to individuals upon request.

3 (c) Maintain a current list of categories represented, to be
4 made available to individuals upon request.

5 (d) Protect the state office of recipient rights from
6 pressures that could interfere with the impartial, even-handed, and
7 thorough performance of its functions.

8 (e) Recommend to the director of the department candidates for
9 the position of director of the state office of recipient rights
10 and consult with the director regarding any proposed dismissal of
11 the director of the state office of recipient rights.

12 (f) Serve in an advisory capacity to the director of the
13 department and the director of the state office of recipient
14 rights.

15 (g) Review and provide comments on the report submitted by the
16 state office of recipient rights to the department under section
17 754.

18 (5) ~~(3)~~ Meetings of the state recipient rights advisory
19 committee are subject to the open meetings act, ~~Act No. 267 of the~~
20 ~~Public Acts of 1976, being sections 15.261 to 15.275 of the~~
21 ~~Michigan Compiled Laws. 1976 PA 267, MCL 15.261 to 15.275.~~ Minutes
22 shall ~~shall~~ **must** be maintained and made available to individuals upon
23 request.