

HOUSE BILL NO. 4776

August 20, 2025, Introduced by Rep. Paquette and referred to Committee on Government Operations.

A bill to amend 1974 PA 258, entitled
"Mental health code,"
by amending section 100a (MCL 330.1100a), as amended by 2023 PA
118.

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

recipient as those terms are defined in section 520a of the Michigan penal code, 1931 PA 328, MCL 750.520a, that is committed by an employee or volunteer of the department, a community mental health services program, or a licensed hospital or by an employee or volunteer of a service provider under contract with the department, community mental health services program, or licensed hospital.

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

- (a) Communication.
- (b) Self-care.
- (c) Home living.
- (d) Social skills.
- (e) Community use.
- (f) Self-direction.
- (g) Health and safety.
- (h) Functional academics.
- (i) Leisure.
- (j) Work.

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

(5) "Alcohol and drug abuse counseling" means the act of counseling, modification of substance use disorder related behavior, and prevention techniques for individuals with substance use disorder, ~~their~~ **the individuals'** significant others, and individuals who could potentially develop a substance use disorder.

(6) "Applicant" means an individual or ~~his or her~~ **the individual's** legal representative who makes a request for mental

1 health services.

2 (7) "Approved service program" means a substance use disorder
3 services program licensed under part 62 of the public health code,
4 1978 PA 368, MCL 333.6230 to 333.6251, to provide substance use
5 disorder treatment and rehabilitation services by the department-
6 designated community mental health entity and approved by the
7 federal government to deliver a service or combination of services
8 for the treatment of incapacitated individuals.

9 (8) "Assisted outpatient treatment" or "AOT" means the
10 categories of outpatient services ordered by the court under
11 section 468 or 469a. Assisted outpatient treatment may include a
12 case management plan and case management services to provide care
13 coordination under the supervision of a psychiatrist and developed
14 in accordance with person-centered planning under section 712.
15 Assisted outpatient treatment may also include 1 or more of the
16 following categories of services: medication; periodic blood tests
17 or urinalysis to determine compliance with prescribed medications;
18 individual or group therapy; day or partial day programming
19 activities; vocational, educational, or self-help training or
20 activities; assertive community treatment team services; alcohol or
21 substance use disorder treatment and counseling and periodic tests
22 for the presence of alcohol or illegal drugs for an individual with
23 a history of alcohol abuse or substance use disorder; supervision
24 of living arrangements; and any other services within a local or
25 unified services plan developed under this act that are prescribed
26 to treat the individual's mental illness and to assist the
27 individual in living and functioning in the community or to attempt
28 to prevent a relapse or deterioration that may reasonably be
29 predicted to result in suicide, the need for hospitalization, or

1 serious violent behavior. The medical review and direction included
2 in an assisted outpatient treatment plan ~~shall~~**must** be provided
3 under the supervision of a psychiatrist.

4 (9) "Board" means the governing body of a community mental
5 health services program.

6 (10) "Board of commissioners" means a county board of
7 commissioners.

8 (11) "Center" means a facility operated by the department to
9 admit individuals with developmental disabilities and provide
10 habilitation and treatment services.

11 (12) "Certification" means formal approval of a program by the
12 department in accordance with standards developed or approved by
13 the department.

14 (13) "Child abuse" and "child neglect" mean those terms as
15 defined in section 2 of the child protection law, 1975 PA 238, MCL
16 722.622.

17 (14) "Child and adolescent psychiatrist" means 1 or more of
18 the following:

19 (a) A physician who has completed a residency program in child
20 and adolescent psychiatry approved by the Accreditation Council for
21 Graduate Medical Education or the American Osteopathic Association,
22 or who has completed 12 months of child and adolescent psychiatric
23 rotation and is enrolled in an approved residency program as
24 described in this subsection.

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

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

4 (15) "Children's diagnostic and treatment service" means a
5 program operated by or under contract with a community mental
6 health services program, that provides examination, evaluation, and
7 referrals for minors, including emergency referrals, that provides
8 or facilitates treatment for minors, and that has been certified by
9 the department.

10 (16) "Community mental health authority" means a separate
11 legal public governmental entity created under section 205 to
12 operate as a community mental health services program.

13 (17) "Community mental health organization" means a community
14 mental health services program that is organized under the urban
15 cooperation act of 1967, 1967 (Ex Sess) PA 7, MCL 124.501 to
16 124.512.

17 (18) "Community mental health services program" means a
18 program operated under chapter 2 as a county community mental
19 health agency, a community mental health authority, or a community
20 mental health organization.

21 (19) "Consent" means a written agreement executed by a
22 recipient, a minor recipient's parent, a recipient's legal
23 representative with authority to execute a consent, or a full or
24 limited guardian authorized under the estates and protected
25 individuals code, 1998 PA 386, MCL 700.1101 to 700.8206, with the
26 authority to consent, or a verbal agreement of a recipient that is
27 witnessed and documented by an individual other than the individual
28 providing treatment.

29 (20) "Conversion therapy" means any practice or treatment by a

1 mental health professional that seeks to change an individual's
 2 sexual orientation, ~~or gender identity~~, including, but not limited
 3 to, efforts to ~~change behavior or gender expression or to reduce or~~
 4 eliminate sexual or romantic attractions or feelings toward an
 5 individual of the same ~~gender~~. ~~sex~~. Conversion therapy does not
 6 include **any practice or treatment by a mental health professional**
 7 **that seeks to change an individual's gender identity**, counseling
 8 that provides assistance to an individual undergoing a gender
 9 transition, counseling that provides acceptance, support, or
 10 understanding of an individual or facilitates an individual's
 11 coping, social support, or identity exploration and development,
 12 including sexual orientation-neutral intervention to prevent or
 13 address unlawful conduct or unsafe sexual practices, as long as the
 14 counseling does not seek to change an individual's sexual
 15 orientation. ~~or gender identity~~. As used in this subsection:

16 (a) "Gender identity" means "gender identity or expression" as
 17 that term is defined in section 103 of the Elliott-Larsen civil
 18 rights act, 1976 PA 453, MCL 37.2103.

19 (b) "Sexual orientation" means that term as defined in section
 20 103 of the Elliot-Larsen civil rights act, 1976 PA 453, MCL
 21 37.2103.

22 (21) "County community mental health agency" means an official
 23 county or multicounty agency created under section 210 that
 24 operates as a community mental health services program and that has
 25 not elected to become a community mental health authority or a
 26 community mental health organization.

27 (22) "Crisis stabilization unit" means a prescreening unit
 28 established under section 409 or a facility certified under chapter
 29 9A that provides unscheduled clinical services designed to prevent

1 or ameliorate a behavioral health crisis or reduce acute symptoms
2 on an immediate, intensive, and time-limited basis in response to a
3 crisis situation.

4 (23) "Department" means the department of health and human
5 services.

6 (24) "Department-designated community mental health entity"
7 means the community mental health authority, community mental
8 health organization, community mental health services program,
9 county community mental health agency, or community mental health
10 regional entity designated by the department to represent a region
11 of community mental health authorities, community mental health
12 organizations, community mental health services programs, or county
13 community mental health agencies.

14 (25) "Dependent living setting" means all of the following:

15 (a) An adult foster care facility.

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

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

20 (26) "Designated representative" means any of the following:

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

24 (b) A paramedic licensed or otherwise authorized under part
25 209 of the public health code, 1978 PA 368, MCL 333.20901 to
26 333.20979.

27 (c) A physician's assistant licensed or otherwise authorized
28 under part 170 or 175 of the public health code, 1978 PA 368, MCL
29 333.17001 to 333.17097 and 333.17501 to 333.17556.

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

(27) "Developmental disability" means either of the following:

(a) If applied to an individual older than 5 years of age, a severe, chronic condition that meets all of the following requirements:

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

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

(iii) Is likely to continue indefinitely.

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

(A) Self-care.

(B) Receptive and expressive language.

(C) Learning.

(D) Mobility.

(E) Self-direction.

(F) Capacity for independent living.

(G) Economic self-sufficiency.

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

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

1 (28) "Director" means the director of the department or ~~his or~~
 2 ~~her~~ **the director's** designee.

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

5 (30) "Eligible minor" means an individual less than 18 years
 6 of age who is recommended in the written report of a
 7 multidisciplinary team under rules promulgated by the department of
 8 education to be classified as 1 of the following:

9 (a) Severely mentally impaired.

10 (b) Severely multiply impaired.

11 (c) Autistic impaired and receiving special education services
 12 in a program designed for the autistic impaired under R 340.1758 of
 13 the Michigan Administrative Code or in a program designed for the
 14 severely mentally impaired or severely multiply impaired.

15 (31) "Emergency situation" means a situation in which an
 16 individual is experiencing a serious mental illness or a
 17 developmental disability, or a minor is experiencing a serious
 18 emotional disturbance, and 1 of the following applies:

19 (a) The individual can reasonably be expected within the near
 20 future to physically injure ~~himself, herself, the individual's self~~
 21 or another individual, either intentionally or unintentionally.

22 (b) The individual is unable to provide ~~himself or herself the~~
 23 **individual's self** food, clothing, or shelter or to attend to basic
 24 physical activities such as eating, toileting, bathing, grooming,
 25 dressing, or ambulating, and this inability may lead in the near
 26 future to harm to the individual or to another individual.

27 (c) The individual has mental illness that has impaired ~~his or~~
 28 ~~her~~ **the individual's** judgment so that the individual is unable to
 29 understand ~~his or her~~ **the individual's own** need for treatment and

1 presents a risk of harm.

2 (32) "Executive director" means an individual appointed under
3 section 226 to direct a community mental health services program or
4 ~~his or her~~ **the individual's** designee.