

Act No. 29
Public Acts of 1990
Approved by the Governor
March 13, 1990
Filed with the Secretary of State
March 13, 1990

STATE OF MICHIGAN
85TH LEGISLATURE
REGULAR SESSION OF 1990

Introduced by Reps. Joe Young, Sr., Joe Young, Jr., Perry Bullard, Kilpatrick, Watkins, Wallace, Gire and Gubow

ENROLLED HOUSE BILL No. 4089

AN ACT to amend section 116 of Act No. 258 of the Public Acts of 1974, entitled as amended "An act to modernize, add to, revise, consolidate, and codify the statutes relating to mental health; to delineate the powers and duties of the department of mental health; to establish county community mental health programs; to delineate state and county financial responsibility for public mental health services; to create certain funds; to establish procedures for the civil admission and discharge of mentally ill persons to and from mental health facilities; to establish procedures for the civil admission and discharge of mentally retarded and other developmentally disabled persons to and from facilities; to establish guardianship arrangements for mentally retarded persons; to establish certain rights of persons who receive mental health services; to establish financial liability for the receipt of public mental health services; to establish certain miscellaneous provisions relating to mental health; to establish procedures pertaining to mentally ill and mentally retarded persons who are under criminal sentence, to persons who are mentally incompetent to stand trial, and to persons who have been found not guilty by reason of insanity; and to repeal certain acts and parts of acts," being section 330.1116 of the Michigan Compiled Laws.

The People of the State of Michigan enact:

Section 1. Section 116 of Act No. 258 of the Public Acts of 1974, being section 330.1116 of the Michigan Compiled Laws, is amended to read as follows:

Sec. 116. Pursuant to section 51 of article IV of the state constitution of 1963, which declares that the health of the people of the state is a matter of primary public concern; and pursuant to section 8 of article VIII of the state constitution of 1963, which declares that services for the care, treatment, education, or rehabilitation of those who are seriously mentally handicapped shall always be fostered and supported; the department shall continually and diligently endeavor to ensure that adequate and appropriate mental health services are available to all citizens throughout the state. To this end the department shall have the following general powers and duties:

(a) It shall function in the areas of mental illness, developmental disabilities, organic brain and other neurological impairment or disease, alcoholism, substance abuse, the prevention of mental disability, and the promotion of good mental health. Within the area of mental illness, priority shall be given to the more severe forms of disability.

(b) It may provide, on a residential or nonresidential basis, any type of patient or client service including but not limited to prevention, diagnosis, treatment, care, education, training, and rehabilitation.

(c) It may engage in research programs and staff and professional training programs.

(d) It may operate directly or through contractual arrangement the facilities that are necessary or appropriate.

(e) It shall administer the provisions of chapter 2 so as to promote and maintain an adequate and appropriate system of county community mental health services throughout the state. In the administration of chapter 2, it shall be the objective of the department to shift from the state to a county the primary responsibility for the direct delivery of public mental health services whenever the county shall have demonstrated a willingness and capacity to provide an adequate and appropriate system of mental health services for the citizens of the county.

(f) It shall engage in planning for the purpose of identifying, assessing, and enunciating the mental health needs of the state.

(g) It shall endeavor to develop and establish arrangements and procedures for the effective coordination and integration of all public mental health services, and for effective cooperation between public and nonpublic services, for the purpose of providing a unified system of statewide mental health care.

(h) It shall review and evaluate the relevance, quality, effectiveness, and efficiency of mental health services being provided by the department and shall assure such review and evaluation for mental health services being provided by county community mental health programs.

(i) It shall implement those provisions of law under which it is responsible for the licensing or certification of mental health facilities or services.

(j) It may enter into any agreement, contract, or arrangement with any public or nonpublic entity that is necessary or appropriate to fulfill those duties or exercise those powers that have by statute been given to the department.

(k) It may accept gifts, grants, bequests, and other donations for use in performing its functions. Any funds or property accepted shall be used as directed by its donor and in accordance with law and the rules and procedures of the department.

(l) It shall have the powers necessary or appropriate to fulfill those duties and exercise those powers that have by statute been given to the department and which are not otherwise prohibited by law.

This act is ordered to take immediate effect.

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Clerk of the House of Representatives.

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Secretary of the Senate.

Approved.....

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Governor.