

HOUSE BILL No. 4089

February 7, 1989, Introduced by Reps. Joe Young, Sr., Joe Young, Jr., Perry Bullard, Kilpatrick, Watkins, Wallace, Gire and Gubow and referred to the Committee on Mental Health.

A bill to amend section 116 of Act No. 258 of the Public Acts of 1974, entitled as amended
"Mental health code,"
being section 330.1116 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 116 of Act No. 258 of the Public Acts of
2 1974, being section 330.1116 of the Michigan Compiled Laws, is
3 amended to read as follows:

4 Sec. 116. Pursuant to section 51 of article ~~4~~ IV of the
5 STATE constitution of 1963, which declares that the health of the
6 people of the state is a matter of primary public concern; and
7 pursuant to section 8 of article ~~8~~ VIII of the STATE constitu-
8 tion of 1963, which declares that services for the care,
9 treatment, EDUCATION, or rehabilitation of those who are
10 seriously mentally handicapped shall always be fostered and

1 supported; the department shall continually and diligently
2 endeavor to ensure that adequate and appropriate mental health
3 services are available to all citizens throughout the state. To
4 this end the department shall have the following general powers
5 and duties:

6 (a) It may function in the areas of mental illness, ~~mental~~
7 ~~retardation~~ DEVELOPMENTAL DISABILITIES, organic brain and other
8 neurological impairment or disease, alcoholism, ~~and~~ substance
9 abuse, THE PREVENTION OF MENTAL DISABILITY, AND THE PROMOTION OF
10 GOOD MENTAL HEALTH. Priority shall be given to the areas of
11 mental illness, ~~and mental retardation~~ DEVELOPMENTAL
12 DISABILITIES, THE PREVENTION OF MENTAL DISABILITY, AND THE PROMO-
13 TION OF GOOD MENTAL HEALTH. Within the area of mental illness,
14 priority shall be given to the more severe forms of ~~such~~
15 disability.

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

20 (c) It may engage in research programs and staff and profes-
21 sional training programs.

22 (d) It may operate directly or through contractual arrange-
23 ment ~~such~~ THE facilities ~~as~~ THAT are necessary or
24 appropriate.

25 (e) ~~(i)~~ It shall administer the provisions of chapter 2 so
26 as to promote and maintain an adequate and appropriate system of
27 county community mental health services throughout the state.

1 ~~(ii)~~ In the administration of chapter 2, it shall be the
2 objective of the department to shift from the state to a county
3 the primary responsibility for the direct delivery of public
4 mental health services whenever ~~such~~ THE county shall have
5 demonstrated a willingness and capacity to provide an adequate
6 and appropriate system of mental health services for the citizens
7 of ~~such~~ THE county.

8 (f) It shall engage in planning for the purpose of identify-
9 ing, assessing, and enunciating the mental health needs of the
10 state.

11 (g) It shall endeavor to develop and establish arrangements
12 and procedures for the effective coordination and integration of
13 all public mental health services, and for effective cooperation
14 between public and nonpublic services, for the purpose of provid-
15 ing a unified system of statewide mental health care.

16 (h) It shall review and evaluate the relevance, quality,
17 effectiveness, and efficiency of mental health services being
18 provided by the department and shall assure such review and eval-
19 uation for mental health services being provided by county commu-
20 nity mental health programs.

21 (i) It shall implement ~~or cause to be implemented~~ those
22 provisions of law under which it is responsible for the licensing
23 or certification of mental health facilities or services.

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

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

6 (l) It shall have ~~such~~ THE powers ~~as are~~ necessary or
7 appropriate to fulfill those duties and exercise those powers
8 that have by statute been given to the department and which are
9 not otherwise prohibited by law.