

HOUSE BILL No. 4141

February 7, 1991, Introduced by Reps. Joe Young, Sr., Harrison, DeMars, Kilpatrick and Joe Young, Jr. and referred to the Committee on Mental Health.

A bill to amend sections 209a and 209b of Act No. 258 of the Public Acts of 1974, entitled as amended

"Mental health code,"

section 209a as amended by Act No. 186 of the Public Acts of 1984 and section 209b as added by Act No. 409 of the Public Acts of 1980, being sections 330.1209a and 330.1209b of the Michigan Compiled Laws; and to add section 151.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 209a and 209b of Act No. 258 of the
2 Public Acts of 1974, section 209a as amended by Act No. 186 of
3 the Public Acts of 1984 and section 209b as added by Act No. 409
4 of the Public Acts of 1980, being sections 330.1209a and
5 330.1209b of the Michigan Compiled Laws, are amended and section
6 151 is added to read as follows:

1 SEC. 151. (1) THE DEPARTMENT OR A LICENSEE UNDER THIS ACT
2 SHALL PERFORM A COMPREHENSIVE PHYSICAL EXAMINATION OF A
3 CONSENTING INDIVIDUAL WHO IS HELD FOR A PERIOD OF 24 HOURS OR
4 LONGER IN A FACILITY OPERATED OR LICENSED BY THE DEPARTMENT.
5 THIS SECTION APPLIES TO AN INDIVIDUAL WHO IS ADMITTED VOLUNTARILY
6 OR INVOLUNTARILY TO A FACILITY, AN INDIVIDUAL TAKEN INTO PROTEC-
7 TIVE CUSTODY PURSUANT TO THIS ACT, OR AN INDIVIDUAL WHO IS HOSPI-
8 TALIZED PENDING A COURT HEARING.

9 (2) THE PHYSICAL EXAMINATION REQUIRED UNDER SUBSECTION (1)
10 SHALL INCLUDE A SCREENING TO DETERMINE WHETHER THE INDIVIDUAL HAS
11 A SUBSTANCE ABUSE PROBLEM OR A HISTORY OF SUBSTANCE ABUSE AND MAY
12 INCLUDE TESTS TO DETECT THE PRESENCE OF CHEMICAL SUBSTANCES IN
13 THE INDIVIDUAL'S BODY, INCLUDING, BUT NOT LIMITED TO, ALCOHOL AND
14 DRUGS. FOR PURPOSES OF THIS SECTION, "SUBSTANCE ABUSE" MEANS
15 THAT TERM AS DEFINED IN SECTION 6107 OF THE PUBLIC HEALTH CODE,
16 ACT NO. 368 OF THE PUBLIC ACTS OF 1978, BEING SECTION 333.6107 OF
17 THE MICHIGAN COMPILED LAWS.

18 (3) IF THE RESULTS OF THE SCREENING PRESCRIBED IN SUBSECTION
19 (2) INDICATE THAT THE INDIVIDUAL MAY HAVE A SUBSTANCE ABUSE PROB-
20 LEM, THE DEPARTMENT OR LICENSEE SHALL, WITH THE INDIVIDUAL'S CON-
21 SENT, REPORT THE SCREENING RESULTS TO THE PERSONS WHO ARE ENGAGED
22 IN TREATMENT PLANNING, PRE-RELEASE PLANNING, AND POST-RELEASE
23 PLANNING SO THAT THE PLAN MAY TAKE INTO ACCOUNT ANY NEED FOR SUB-
24 STANCE ABUSE TREATMENT.

25 (4) IN DEVELOPING METHODOLOGY FOR THE SCREENING AND TESTING
26 PRESCRIBED IN SUBSECTION (2), THE DEPARTMENT OR A LICENSEE SHALL
27 CONSULT WITH THE OFFICE OF SUBSTANCE ABUSE SERVICES CREATED IN

1 SECTION 6201 OF ACT NO. 368 OF THE PUBLIC ACTS OF 1978, BEING
2 SECTION 333.6201 OF THE MICHIGAN COMPILED LAWS.

3 Sec. 209a. (1) Upon receipt of the notice required by sec-
4 tion 209(1), the appropriate county program, with the assistance
5 of the state facility, shall develop an individualized
6 pre-release plan for appropriate community placement and a
7 pre-release plan for aftercare services appropriate for each
8 individual about whom the county program received the notice. IF
9 THE COUNTY PROGRAM HAS RECEIVED THE RESULTS OF THE SCREENING PRE-
10 SCRIBED BY SECTION 151 INDICATING THAT THE INDIVIDUAL MAY HAVE A
11 SUBSTANCE ABUSE PROBLEM, WITH THE CONSENT OF THE INDIVIDUAL THE
12 PLANNING TEAM SHALL INCLUDE A REPRESENTATIVE FROM A CITY, COUNTY,
13 OR REGIONAL COORDINATING AGENCY FOR SUBSTANCE ABUSE AS DESCRIBED
14 IN SECTION 6228 OF THE PUBLIC HEALTH CODE, ACT NO. 368 OF THE
15 PUBLIC ACTS OF 1978, BEING SECTION 333.6228 OF THE MICHIGAN
16 COMPILED LAWS, OR ITS DESIGNEE. If possible, the individual shall
17 participate in the development of a pre-release plan. In devel-
18 oping a pre-release plan for a minor, the county program and the
19 state children's facility shall include all of the following in
20 the planning process:

21 (a) The minor, if the minor is 14 years of age or older if
22 possible.

23 (b) The parent or guardian of the minor. As used in this
24 subdivision, "guardian" means any person with authority for the
25 care and custody of a minor pursuant to an order of the probate
26 court or the circuit court.

1 (c) Personnel from the school and other agencies if
2 possible.

3 (2) In the case of a minor in need of an aftercare service
4 with a residential component or an alternative to hospitaliza-
5 tion, if a county program cannot locate a suitable service or
6 alternative for the minor in the service area of the county pro-
7 gram, but a suitable service or alternative is available in the
8 service area of a county program of another county, the county
9 program responsible for planning for the minor may contract with
10 the other county program or with the agency operating the service
11 or alternative for the provision of services. The county program
12 or agency contracted with shall be located as close to the
13 minor's place of residence as possible.

14 (3) The state facility shall advise an individual, about
15 whom the county program has not received notice pursuant to sec-
16 tion 209(1), of the availability of pre-release planning services
17 offered by the county program. If the individual requests those
18 services, the county program shall be notified and shall develop
19 a plan for that individual.

20 (4) The county program shall offer post-release planning
21 services to each individual, within 10 days after the release of
22 the individual from the state facility, if pre-release planning
23 cannot be completed for 1 of the following reasons:

24 (a) The individual did not consent to notification of his or
25 her admission until shortly before release from the state
26 facility.

1 (b) The individual did not remain in the state facility for
2 a time that was sufficient to develop a pre-release plan.

3 (5) Unless covered by contractual agreement, disclosure of
4 information about the individual by the state facility shall be
5 made to those individuals involved in the development of the
6 plans, but shall be limited to:

7 (a) Home address, gender, and medication record.

8 (b) Other information necessary to determine financial and
9 social service needs, program needs, residential needs, and medi-
10 cation needs.

11 Sec. 209b. (1) Before an individual is placed in a super-
12 vised community living arrangement, such as a foster home, group
13 care home, nursing home, or other facility, the county program
14 shall involve in pre-release or post-release planning the indi-
15 vidual, if possible, the legal guardian of the individual; the
16 parents or legal guardian of a minor individual; the state facil-
17 ity; the residential care provider, if such a provider has been
18 selected; and, with the consent of the individual, the appropri-
19 ate local and intermediate school systems and the department of
20 social services, if appropriate. IF THE COUNTY PROGRAM HAS
21 RECEIVED THE RESULTS OF THE SCREENING PRESCRIBED BY SECTION 151
22 INDICATING THAT THE INDIVIDUAL MAY HAVE A SUBSTANCE ABUSE PROB-
23 LEM, WITH THE CONSENT OF THE INDIVIDUAL THE PLANNING TEAM SHALL
24 ALSO INCLUDE A REPRESENTATIVE FROM A CITY, COUNTY, OR REGIONAL
25 COORDINATING AGENCY FOR SUBSTANCE ABUSE AS DESCRIBED IN
26 SECTION 6228 OF THE PUBLIC HEALTH CODE, ACT NO. 368 OF THE PUBLIC
27 ACTS OF 1978, BEING SECTION 333.6228 OF THE MICHIGAN COMPILED

1 LAWS, OR ITS DESIGNEE. In each case, the county program shall
2 produce in writing a plan for community placement and aftercare
3 services which is sufficient to meet the needs of the individual
4 and shall document any lack of available community services nec-
5 essary to implement the plan.

6 (2) Each county program, as requested, shall send to the
7 department aggregate data, which includes a list of services that
8 were indicated on pre-release or post-release plans, but which
9 could not be provided.

10 (3) If the department first approves, the county program and
11 the state facility may agree, in writing, that the staff of the
12 state facility, on a temporary basis, will conduct pre-release
13 planning services, pending development by the county program of
14 the capability to provide those services.