



HOUSE BILL No. 5419

March 17, 1994 Introduced by Reps Gubow Yokich Jondahl Profit Berman
Ciaramitaro Brown Byrum Hill Cropsey and Pitoniak and referred to the Committee on
Mental Health

A bill to amend section 155 of Act No 258 of the Public
Acts of 1974, entitled as amended
"Mental health code,"

as amended by Act No 358 of the Public Acts of 1984, being sec-
tion 330 1155 of the Michigan Compiled Laws

THE PEOPLE OF THE STATE OF MICHIGAN ENACT

1 Section 1 Section 155 of Act No 258 of the Public Acts of
2 1974, as amended by Act No 358 of the Public Acts of 1984, being
3 section 330 1155 of the Michigan Compiled Laws, is amended to
4 read as follows

5 Sec 155 As used in this section and sections 156 to 161

6 (a) "Family' means a family member and his or her parent or
7 legal guardian

8 (b) Family member' means a person less than 18 years of age
9 who is recommended in the written report of a multidisciplinary

1 team pursuant to rules promulgated by the department of education
 2 under the school code of 1976, Act No 451 of the Public Acts of
 3 1976, being sections 380 1 to 380 1852 of the Michigan Compiled
 4 Laws, to be CLASSIFIED AS 1 of the following

5 (i) Severely mentally impaired

6 (ii) Severely multiply impaired

7 (iii) Autistic impaired ~~, and who receives special educa-~~
 8 ~~tion services in a classroom designed for the autistic impaired~~
 9 ~~pursuant to subsection (1) of R 340 1758 of the Michigan adminis-~~
 10 ~~trative code or in a classroom designed for the severely mentally~~
 11 ~~impaired or severely multiply impaired~~

12 (iv) PHYSICALLY OR OTHERWISE HEALTH IMPAIRED AND 1 OF THE
 13 FOLLOWING

14 (A) HEARING IMPAIRED

15 (B) VISUALLY IMPAIRED

16 (C) DOCUMENTED BY THE MULTIDISCIPLINARY TEAM AS USING 1 OR
 17 MORE OF THE FOLLOWING TECHNOLOGIES

18 (I) WHEELCHAIR OR COMPARABLE TECHNOLOGY

19 (II) VENTILATOR OR COMPARABLE TECHNOLOGY

20 (III) GASTROSTOMY OR COMPARABLE TECHNOLOGY

21 (IV) SUCTIONING OR POSTURAL DRAINAGE PROCEDURES OR COM-
 22 PARABLE TECHNOLOGY

23 (V) PARENTERAL OR NASAL-GASTRIC FEEDING OR COMPARABLE
 24 TECHNOLOGY

25 (v) EMOTIONALLY IMPAIRED AND DOCUMENTED BY THE MULTIDISCI-
 26 PLINARY TEAM AS MEETING THE FOLLOWING CRITERIA

1 (A) THE FAMILY MEMBER S SCHOOL RECORD DOCUMENTS THAT THE
 2 EMOTIONAL IMPAIRMENT HAS CONTINUED OR IS LIKELY TO CONTINUE FOR A
 3 PERIOD OF AT LEAST 1 YEAR

4 (B) THE FAMILY MEMBER'S SCHOOL RECORD DOCUMENTS 5 OR MORE OF
 5 THE FOLLOWING WITHIN THE PAST 3 YEARS

6 (I) A SIGNIFICANT DISCREPANCY BETWEEN APTITUDE AND
 7 ACHIEVEMENT

8 (II) RESULTS OF A PROFESSIONALLY CONDUCTED BEHAVIORAL
 9 ASSESSMENT THAT DOCUMENTS SIGNIFICANT PROBLEMS WITH THE STUDENT'S
 10 FUNCTIONING

11 (III) RESULTS OF A PROFESSIONALLY CONDUCTED PERSONALITY
 12 ASSESSMENT THAT DOCUMENTS SIGNIFICANT PROBLEMS WITH THE STUDENT S
 13 FUNCTIONING

14 (IV) REPEATED AGGRESSIVE BEHAVIOR TOWARD INDIVIDUALS AT
 15 HOME

16 (V) REPEATED AGGRESSIVE BEHAVIOR TOWARD INDIVIDUALS AT
 17 SCHOOL

18 (VI) REPEATED SELF-INJURY AT HOME

19 (VII) REPEATED SELF-INJURY AT SCHOOL

20 (VIII) REPEATED PROPERTY DESTRUCTION AT HOME

21 (IX) REPEATED PROPERTY DESTRUCTION AT SCHOOL

22 (c) Legal guardian means a person appointed by a court of
 23 competent jurisdiction to exercise powers over a family member

24 (d) Parent means a biological or adoptive parent

25 (e) "Supplemental security income means the program autho-
 26 rized under title XVI of the social security act, CHAPTER 531, 49
 27 STAT 620, 42 U S C 1381 to ~~+383e~~ 1382j AND 1383 TO 1383d