



SENATE BILL No. 689

June 8, 1993, Introduced by Senator BERRYMAN and referred to the Committee on Health Policy.

A bill to amend sections 212, 216, 219, and 226 of Act No. 258 of the Public Acts of 1974, entitled as amended "Mental health code,"

section 212 as amended and section 219 as added by Act No. 265 of the Public Acts of 1986 and section 226 as amended by Act No. 149 of the Public Acts of 1986, being sections 330.1212, 330.1216, 330.1219, and 330.1226 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 212, 216, 219, and 226 of Act No. 258
2 of the Public Acts of 1974, section 212 as amended and section
3 219 as added by Act No. 265 of the Public Acts of 1986 and sec-
4 tion 226 as amended by Act No. 149 of the Public Acts of 1986,
5 being sections 330.1212, 330.1216, 330.1219, and 330.1226 of the
6 Michigan Compiled Laws, are amended to read as follows:

1 Sec. 212. (1) Upon electing to establish a county program,
2 the county or combination of counties shall establish a 12-member
3 county community mental health board, except as provided in sec-
4 tions 214, 219, or 222(2). ~~Each~~ EXCEPT AS PROVIDED IN SUBSEC-
5 TION (2), EACH board of commissioners shall by a majority vote
6 appoint the board members from its county. Recommended appoint-
7 ments to the board shall be made annually following the organiza-
8 tional meeting of the board of commissioners.

9 (2) IN A COUNTY THAT HAS A COUNTY EXECUTIVE, THE COUNTY
10 EXECUTIVE MAY APPOINT THE MEMBERS OF THE COUNTY COMMUNITY MENTAL
11 HEALTH BOARD. IF THE COUNTY EXECUTIVE ELECTS NOT TO APPOINT
12 BOARD MEMBERS, THE COUNTY BOARD OF COMMISSIONERS SHALL APPOINT
13 THE MEMBERS PURSUANT TO SUBSECTION (1).

14 (3) IN A COUNTY THAT HAS A COUNTY EXECUTIVE, THE COUNTY
15 EXECUTIVE SHALL APPOINT THE DIRECTOR OF THE COUNTY COMMUNITY
16 MENTAL HEALTH PROGRAM. THE DIRECTOR SHALL MEET STANDARDS OF
17 TRAINING AND EXPERIENCE ESTABLISHED BY THE DEPARTMENT. THE
18 DEPARTMENT SHALL ESTABLISH STANDARDS FOR INDIVIDUALS WHO ARE PHY-
19 SICIANS AND FOR INDIVIDUALS WHO ARE NOT PHYSICIANS. THE CHOICE
20 OF APPOINTING A PHYSICIAN OR NONPHYSICIAN AS COUNTY DIRECTOR
21 SHALL REST WITH THE COUNTY EXECUTIVE, AND IN MAKING SUCH CHOICE
22 THE COUNTY EXECUTIVE SHALL CONSIDER THE DUTIES THAT THE COUNTY
23 DIRECTOR CAN BE EXPECTED TO PERFORM.

24 Sec. 216. Notwithstanding the provisions of sections ~~212-~~
25 212(1) and 214, when a single county WITHOUT A COUNTY EXECUTIVE
26 establishes a county program and totally situated within that
27 county is a city having a population of at least 500,000, 6 of

1 the 12 board members shall be appointed to the board by the
2 city's chief executive officer. The 6 board members appointed by
3 the city shall be residents of the city, and the 6 board members
4 appointed by the county shall be residents of the county but not
5 of the city.

6 Sec. 219. (1) Any county having an established county pro-
7 gram may elect to merge with an established county program in an
8 adjoining county. A merger shall be approved by a majority vote
9 of the board of commissioners of each participating county, and
10 shall become effective on January 1 immediately following the
11 date of final approval.

12 (2) The COUNTY EXECUTIVE OF EACH PARTICIPATING COUNTY, OR
13 THE board of commissioners of each participating county ~~may~~
14 ~~elect~~ by a majority vote, MAY ELECT to appoint 1 or more of the
15 community mental health board members to the new board, even if
16 that action would result in a size or composition of the board
17 which is different than that provided for in sections 212, 214,
18 and 222.

19 (3) If the COUNTY EXECUTIVE OR board of commissioners of 1
20 or more participating counties does not agree to permit appoint-
21 ment of members to the new board in the manner provided in sub-
22 section (2), the new board shall be appointed in the manner pro-
23 vided in sections 212, 214, and 222.

24 (4) A new board which, pursuant to subsection (2), is dif-
25 ferent in size or composition than that provided for in section
26 212, 214, or 222 shall be brought into compliance with those
27 sections not later than 3 years after the date of merger.

1 Sec. 226. ~~—(1)—~~ Each county community mental health board
2 shall:

3 (a) Annually examine and evaluate the mental health needs of
4 the county or counties it represents and the public and nonpublic
5 services necessary to meet those needs. Information and data
6 concerning the mental health needs of the developmentally dis-
7 abled, mentally ill adults, and emotionally disturbed children
8 shall be reported to the department in accordance with proce-
9 dures, and at a time, established by the department, along with
10 plans to meet identified needs. The report shall reflect infor-
11 mation gathered from all appropriate sources, including school
12 districts providing special education services. The department
13 shall submit to the Legislature an annual needs assessment report
14 which incorporates the information received from the community
15 mental health boards. Under this subsection the report shall
16 include an estimate of the cost of meeting all identified needs.

17 (b) Review and approve an annual plan and budget for the
18 county program. The format and documentation of the annual plan
19 and budget shall be specified by the department.

20 (c) Submit the annual plan and budget, after approval by
21 each board of commissioners, to the department by such date as is
22 specified by the department. Such submission shall constitute
23 the county program's official application for state funds.

24 (d) Provide and advertise a public hearing on the annual
25 plan and budget before submitting it to the county board of
26 commissioners.

1 (e) Submit to each board of commissioners an annual request
2 for county funds to support the county program. Such request
3 shall be in the form and at the time determined by the board or
4 boards of commissioners.

5 (f) Take such actions as it considers necessary and appro-
6 priate to secure private, federal, and other public funds to help
7 support the county program.

8 (g) Approve and authorize all contracts for the providing of
9 services.

10 (h) Review and evaluate the quality, effectiveness, and
11 efficiency of services being provided by the county program.

12 (i) ~~Appoint~~ EXCEPT AS PROVIDED OTHERWISE IN SECTION
13 212(3), APPOINT a director of the county community mental health
14 program who shall meet standards of training and experience
15 established by the department. The department shall establish
16 standards for individuals who are physicians and for individuals
17 who are not physicians. The choice of appointing a physician or
18 nonphysician as county director shall rest with the board, and in
19 making such choice, the board shall consider the duties that the
20 county director can be expected to perform. Any individual who
21 may reasonably be regarded as serving as a county director on the
22 date that this chapter becomes effective shall be exempt from the
23 standards of training and experience referred to in this
24 chapter.

25 (j) Establish general policy guidelines within which the
26 county director shall execute the county program.