



# SENATE BILL No. 1220

September 13, 1994, Introduced by Senator WELBORN and  
referred to the Committee on Family Law, Mental Health  
and Corrections

A bill to amend Act No 258 of the Public Acts of 1974,  
entitled as amended  
"Mental health code,"  
as amended, being sections 330 1001 to 330 2106 of the Michigan  
Compiled Laws, by adding section 921

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT

1 Section 1 Act No 258 of the Public Acts of 1974, as  
2 amended, being sections 330 1001 to 330 2106 of the Michigan  
3 Compiled Laws, is amended by adding section 921 to read as  
4 follows

5 SEC 921 (1) AS USED IN THIS SECTION

6 (A) "COUNTY PROGRAM" MEANS A COUNTY COMMUNITY MENTAL HEALTH  
7 PROGRAM

8 (B) "DEPARTMENT" MEANS THE DEPARTMENT OF MENTAL HEALTH

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1 (C) "INDIVIDUAL" MEANS AN INDIVIDUAL REQUIRING MENTAL HEALTH  
2 TREATMENT SERVICES

3 (D) "RECEIVING AGENCY" MEANS A PUBLIC OR PRIVATE AGENCY OR  
4 COUNTY PROGRAM THAT, UNDER THIS SECTION, PROVIDES TREATMENT TO  
5 INDIVIDUALS FROM A STATE OTHER THAN THE STATE IN WHICH THE AGENCY  
6 OR COUNTY PROGRAM IS LOCATED

7 (E) "RECEIVING STATE" MEANS THE STATE IN WHICH A RECEIVING  
8 AGENCY IS LOCATED

9 (F) "SENDING AGENCY" MEANS A PUBLIC OR PRIVATE AGENCY  
10 LOCATED IN A STATE THAT SENDS AN INDIVIDUAL TO ANOTHER STATE FOR  
11 TREATMENT UNDER THIS SECTION

12 (G) "SENDING STATE" MEANS THE STATE IN WHICH A SENDING  
13 AGENCY IS LOCATED

14 (2) A COUNTY PROGRAM MAY CONTRACT AS PROVIDED UNDER THIS  
15 SECTION WITH A PUBLIC OR PRIVATE AGENCY LOCATED IN A STATE BOR-  
16 DERING MICHIGAN TO SECURE SERVICES UNDER THIS ACT FOR AN INDIVID-  
17 UAL WHO RECEIVES SERVICES THROUGH THE COUNTY PROGRAM

18 (3) A COUNTY PROGRAM MAY CONTRACT AS PROVIDED UNDER THIS  
19 SECTION WITH A PUBLIC OR PRIVATE AGENCY LOCATED IN A STATE BOR-  
20 DERING MICHIGAN TO PROVIDE SERVICES UNDER THIS ACT IN AN APPROVED  
21 TREATMENT FACILITY IN THIS STATE FOR AN INDIVIDUAL WHO IS A RESI-  
22 DENT OF THE BORDERING STATE, EXCEPT THAT SUCH SERVICES MAY NOT BE  
23 PROVIDED FOR AN INDIVIDUAL WHO IS INVOLVED IN CRIMINAL PROCEED-  
24 INGS OR IS A CONVICTED FELON

25 (4) A CONTRACT ENTERED INTO UNDER THIS SECTION MAY NOT BE  
26 VALIDLY EXECUTED UNTIL THE DEPARTMENT HAS REVIEWED AND APPROVED  
27 THE PROVISIONS OF THE CONTRACT AND DETERMINED THAT THE RECEIVING

1 AGENCY PROVIDES SERVICES IN ACCORDANCE WITH THE STANDARDS OF THIS  
2 STATE AND THE ATTORNEY GENERAL HAS CERTIFIED THAT THE RECEIVING  
3 STATE'S LAWS GOVERNING PATIENT RIGHTS ARE SUBSTANTIALLY SIMILAR  
4 TO THOSE OF THIS STATE

5 (5) AN INDIVIDUAL DOES NOT ESTABLISH LEGAL RESIDENCE IN THE  
6 STATE WHERE THE RECEIVING AGENCY IS LOCATED WHILE THE INDIVIDUAL  
7 IS RECEIVING SERVICES PURSUANT TO A CONTRACT EXECUTED UNDER THIS  
8 SECTION

9 (6) SECTION 748 APPLIES TO TREATMENT RECORDS OF AN INDIVID-  
10 UAL RECEIVING SERVICES PURSUANT TO A CONTRACT EXECUTED UNDER THIS  
11 SECTION THROUGH A RECEIVING AGENCY IN THIS STATE, EXCEPT THAT THE  
12 SENDING AGENCY HAS THE SAME RIGHT OF ACCESS TO THE TREATMENT  
13 RECORDS OF THE INDIVIDUAL AS PROVIDED FOR THE DEPARTMENT UNDER  
14 SECTION 748(4)(E)

15 (7) AN INDIVIDUAL WHO IS DETAINED, COMMITTED, OR PLACED ON  
16 AN INVOLUNTARY BASIS UNDER THIS ACT MAY BE ADMITTED AND TREATED  
17 IN ANOTHER STATE PURSUANT TO A CONTRACT EXECUTED UNDER THIS  
18 SECTION AN INDIVIDUAL WHO IS DETAINED, COMMITTED, OR PLACED  
19 UNDER THE CIVIL LAW OF A STATE BORDERING MICHIGAN MAY BE ADMITTED  
20 AND TREATED IN THIS STATE PURSUANT TO A CONTRACT EXECUTED UNDER  
21 THIS SECTION COURT ORDERS VALID UNDER THE LAW OF THE SENDING  
22 STATE ARE GRANTED RECOGNITION AND RECIPROCITY IN THE RECEIVING  
23 STATE FOR INDIVIDUALS COVERED BY A CONTRACT EXECUTED UNDER THIS  
24 SECTION TO THE EXTENT THAT THE COURT ORDERS RELATE TO ADMISSION  
25 FOR THE TREATMENT OR CARE OF A MENTAL DISABILITY THE COURT  
26 ORDERS ARE NOT SUBJECT TO LEGAL CHALLENGE IN THE COURTS OF THE  
27 RECEIVING STATE AN INDIVIDUAL WHO IS DETAINED, COMMITTED, OR

1 PLACED UNDER THE LAW OF A SENDING STATE AND WHO IS TRANSFERRED TO  
2 A RECEIVING STATE UNDER THIS SECTION CONTINUES TO BE IN THE LEGAL  
3 CUSTODY OF THE AUTHORITY RESPONSIBLE FOR THE INDIVIDUAL UNDER THE  
4 LAW OF THE SENDING STATE EXCEPT IN AN EMERGENCY, SUCH AN INDI-  
5 VIDUAL MAY NOT BE TRANSFERRED, REMOVED, OR FURLOUGHED FROM A  
6 FACILITY OF THE RECEIVING AGENCY WITHOUT THE SPECIFIC APPROVAL OF  
7 THE AUTHORITY RESPONSIBLE FOR THE INDIVIDUAL UNDER THE LAW OF THE  
8 SENDING STATE

9 (8) WHILE IN THE RECEIVING STATE PURSUANT TO A CONTRACT EXE-  
10 CUTED UNDER THIS SECTION, AN INDIVIDUAL IS SUBJECT TO ALL OF THE  
11 LAWS AND REGULATIONS APPLICABLE TO AN INDIVIDUAL DETAINED, COM-  
12 MITTED, OR PLACED PURSUANT TO THE CORRESPONDING LAWS OF THE  
13 RECEIVING STATE, EXCEPT THOSE LAWS AND REGULATIONS OF THE RECEIV-  
14 ING STATE PERTAINING TO LENGTH OF INVOLUNTARY INPATIENT TREAT-  
15 MENT, REEXAMINATIONS, AND EXTENSIONS OF INVOLUNTARY INPATIENT  
16 TREATMENT AND EXCEPT AS OTHERWISE PROVIDED BY THIS SECTION THE  
17 LAWS AND REGULATIONS OF THE SENDING STATE RELATING TO LENGTH OF  
18 INVOLUNTARY INPATIENT TREATMENT, REEXAMINATIONS, AND EXTENSIONS  
19 OF INVOLUNTARY INPATIENT TREATMENT APPLY AN INDIVIDUAL SHALL  
20 NOT BE SENT TO ANOTHER STATE PURSUANT TO A CONTRACT EXECUTED  
21 UNDER THIS SECTION UNTIL THE RECEIVING STATE HAS ENACTED A LAW  
22 RECOGNIZING THE VALIDITY AND APPLICABILITY OF THIS STATE'S LAWS  
23 AS PROVIDED IN THIS SECTION

24 (9) IF AN INDIVIDUAL RECEIVING TREATMENT ON A VOLUNTARY  
25 BASIS PURSUANT TO A CONTRACT EXECUTED UNDER THIS SECTION REQUESTS  
26 DISCHARGE, THE RECEIVING AGENCY SHALL IMMEDIATELY NOTIFY THE  
27 SENDING AGENCY AND SHALL RETURN THE INDIVIDUAL TO THE SENDING

1 STATE AS DIRECTED BY THE SENDING AGENCY WITHIN 48 HOURS AFTER THE  
2 REQUEST, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, UNLESS  
3 OTHER ARRANGEMENTS ARE MADE WITH THE SENDING AGENCY THE SENDING  
4 AGENCY SHALL IMMEDIATELY UPON RETURN OF THE INDIVIDUAL EITHER  
5 ARRANGE FOR THE DISCHARGE OF THE INDIVIDUAL OR DETAIN THE INDIVIDUAL  
6 PURSUANT TO THE EMERGENCY DETENTION LAWS OF THE SENDING  
7 STATE

8 (10) IF AN INDIVIDUAL RECEIVING SERVICES PURSUANT TO A CONTRACT  
9 EXECUTED UNDER THIS SECTION LEAVES THE RECEIVING AGENCY  
10 WITHOUT AUTHORIZATION AND THE INDIVIDUAL AT THE TIME OF THE UNAUTHORIZED  
11 LEAVE IS SUBJECT TO INVOLUNTARY INPATIENT TREATMENT  
12 UNDER THE LAWS OF THE SENDING STATE, THE RECEIVING AGENCY SHALL  
13 USE ALL REASONABLE MEANS TO LOCATE AND RETURN THE INDIVIDUAL  
14 THE RECEIVING AGENCY SHALL IMMEDIATELY REPORT THE UNAUTHORIZED  
15 LEAVE OF ABSENCE TO THE SENDING AGENCY THE RECEIVING STATE HAS  
16 THE PRIMARY RESPONSIBILITY FOR, AND THE AUTHORITY TO DIRECT, THE  
17 RETURN OF INDIVIDUALS WITHIN ITS BORDERS AND IS LIABLE FOR THE  
18 COST OF SUCH ACTION TO THE EXTENT THAT IT WOULD BE LIABLE FOR  
19 COSTS IF AN INDIVIDUAL WHO IS A RESIDENT OF THE RECEIVING STATE  
20 LEFT WITHOUT AUTHORIZATION

21 (11) AN INDIVIDUAL MAY BE TRANSFERRED BETWEEN FACILITIES OF  
22 THE RECEIVING STATE IF TRANSFERS ARE PERMITTED BY THE CONTRACT  
23 EXECUTED UNDER THIS SECTION PROVIDING FOR THE INDIVIDUAL'S CARE

24 (12) EACH CONTRACT EXECUTED UNDER THIS SECTION SHALL DO ALL  
25 OF THE FOLLOWING

26 (A) ESTABLISH THE RESPONSIBILITY FOR PAYMENT FOR EACH  
27 SERVICE TO BE PROVIDED UNDER THE CONTRACT CHARGES TO THE

1 SENDING STATE SHALL NOT BE MORE OR LESS THAN THE ACTUAL COST OF  
2 PROVIDING THE SERVICE

3 (B) ESTABLISH THE RESPONSIBILITY FOR THE TRANSPORTATION OF  
4 INDIVIDUALS TO AND FROM RECEIVING AGENCIES

5 (C) PROVIDE FOR REPORTS BY THE RECEIVING AGENCY TO THE SEND-  
6 ING AGENCY ON THE CONDITION OF EACH INDIVIDUAL COVERED BY THE  
7 CONTRACT

8 (D) PROVIDE FOR ARBITRATION OF DISPUTES ARISING OUT OF THE  
9 CONTRACT THAT CANNOT BE SETTLED THROUGH DISCUSSION BETWEEN THE  
10 CONTRACTING PARTIES AND SPECIFY HOW THE ARBITRATORS WILL BE  
11 CHOSEN

12 (E) INCLUDE PROVISIONS ENSURING THE NONDISCRIMINATORY TREAT-  
13 MENT, AS REQUIRED BY LAW, OF EMPLOYEES, INDIVIDUALS RECEIVING  
14 SERVICES, AND APPLICANTS FOR EMPLOYMENT AND SERVICES

15 (F) ESTABLISH THE RESPONSIBILITY FOR PROVIDING LEGAL REPRE-  
16 SENTATION FOR AN INDIVIDUAL RECEIVING SERVICES IN A LEGAL PRO-  
17 CEEDING INVOLVING THE LEGALITY OF ADMISSION AND THE CONDITIONS OF  
18 INVOLUNTARY INPATIENT TREATMENT

19 (G) ESTABLISH THE RESPONSIBILITY FOR PROVIDING LEGAL REPRE-  
20 SENTATION FOR AN EMPLOYEE OF A CONTRACTING PARTY IN LEGAL PRO-  
21 CEEDINGS INITIATED BY AN INDIVIDUAL RECEIVING TREATMENT PURSUANT  
22 TO THE CONTRACT

23 (H) INCLUDE PROVISIONS CONCERNING THE LENGTH OF THE CONTRACT  
24 AND THE MEANS BY WHICH THE CONTRACT CAN BE TERMINATED

25 (I) ESTABLISH THE RIGHT OF 1 OR MORE QUALIFIED EMPLOYEES OR  
26 REPRESENTATIVES OF THE SENDING AGENCY AND SENDING STATE TO  
27 INSPECT, AT ALL REASONABLE TIMES, THE RECORDS OF THE RECEIVING

1 AGENCY AND ITS TREATMENT FACILITIES TO DETERMINE IF APPROPRIATE  
2 STANDARDS OF CARE ARE MET FOR INDIVIDUALS RECEIVING SERVICES  
3 UNDER THE CONTRACT

4 (J) REQUIRE THE SENDING AGENCY TO PROVIDE THE RECEIVING  
5 AGENCY WITH COPIES OF ALL RELEVANT LEGAL DOCUMENTS AUTHORIZING  
6 INVOLUNTARY INPATIENT TREATMENT OF AN INDIVIDUAL WHO IS ADMITTED  
7 PURSUANT TO THE LAWS OF THE SENDING STATE AND IS RECEIVING SERV-  
8 ICES PURSUANT TO A CONTRACT EXECUTED UNDER THIS SECTION

9 (K) REQUIRE EACH INDIVIDUAL WHO SEEKS TREATMENT ON A VOLUN-  
10 TARY BASIS TO AGREE IN WRITING TO BE RETURNED TO THE SENDING  
11 STATE UPON MAKING A REQUEST FOR DISCHARGE AS PROVIDED IN SUBSEC-  
12 TION (9) AND REQUIRE AN AGENT OR EMPLOYEE OF THE SENDING AGENCY  
13 TO CERTIFY THAT THE INDIVIDUAL UNDERSTANDS THAT AGREEMENT

14 (L) ESTABLISH THE RESPONSIBILITY FOR SECURING A REEXAMINA-  
15 TION FOR AN INDIVIDUAL AND FOR EXTENDING AN INDIVIDUAL'S PERIOD  
16 OF INVOLUNTARY INPATIENT TREATMENT

17 (M) INCLUDE PROVISIONS SPECIFYING WHEN A RECEIVING FACILITY  
18 CAN REFUSE TO ADMIT OR RETAIN AN INDIVIDUAL

19 (N) SPECIFY THE CIRCUMSTANCES UNDER WHICH AN INDIVIDUAL WILL  
20 BE PERMITTED A HOME VISIT OR GRANTED A PASS TO LEAVE THE FACILI-  
21 TY, OR BOTH