



# HOUSE BILL No. 6011

September 10, 1996, Introduced by Rep. Ciaramitaro and referred to the Committee on Mental Health.

A bill to amend sections 409 and 498e of Act No. 258 of the Public Acts of 1974, entitled as amended "Mental health code," section 409 as added and section 498e as amended by Act No. 290 of the Public Acts of 1995, being sections 330.1409 and 330.1498e of the Michigan Compiled Laws.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1 Section 1. Sections 409 and 498e of Act No. 258 of the  
2 Public Acts of 1974, section 409 as added and section 498e as  
3 amended by Act No. 290 of the Public Acts of 1995, being sections  
4 330.1409 and 330.1498e of the Michigan Compiled Laws, are amended  
5 to read as follows:

6 Sec. 409. (1) Each community mental health services program  
7 shall establish 1 or more preadmission screening units with  
8 24-hour availability to provide assessment and screening services

1 for individuals being considered for admission into hospitals or  
2 alternative treatment programs. The community mental health  
3 services program shall employ mental health professionals to pro-  
4 vide the preadmission screening services or contract with another  
5 agency, which shall meet the requirements of this section.  
6 Preadmission screening unit staff shall be supervised by a regis-  
7 tered professional nurse or other mental health professional pos-  
8 sessed at least a master's degree.

9 (2) Each community mental health services program shall pro-  
10 vide the address and telephone number of its preadmission screen-  
11 ing unit or units to law enforcement agencies, the department,  
12 the court, and hospital emergency rooms.

13 (3) A preadmission screening unit shall assess individuals  
14 who seek authorization for admission into hospitals operated by  
15 the department or under contract with the community mental health  
16 services program. If the individual is clinically suitable for  
17 hospitalization, the preadmission screening unit shall authorize  
18 voluntary admission to the hospital.

19 (4) If the preadmission screening unit of the community  
20 mental health services program denies hospitalization, the indi-  
21 vidual may request a second opinion from the executive director.  
22 The executive director shall arrange for an additional evaluation  
23 by a psychiatrist, other physician, or licensed psychologist as  
24 soon as possible. THE INDIVIDUAL MAKING THE EVALUATION SHALL  
25 SUBMIT A REPORT OF THE SECOND OPINION TO THE EXECUTIVE DIRECTOR  
26 WHO SHALL PROVIDE A COPY TO THE INDIVIDUAL MAKING THE REQUEST. IF  
27 the conclusion of the second opinion is different from the

1 conclusion of the preadmission screening unit, the executive  
2 director, in conjunction with the medical director, shall make a  
3 decision based on all clinical information available. If an  
4 individual is assessed and found not to be clinically suitable  
5 for hospitalization, the preadmission screening unit shall pro-  
6 vide appropriate referral services.

7 (5) If an individual is assessed and found not to be clini-  
8 cally suitable for hospitalization, the preadmission screening  
9 unit shall provide information regarding alternative services and  
10 the availability of those services, and make appropriate  
11 referrals.

12 (6) A preadmission screening unit shall assess and examine,  
13 or refer to a hospital for examination, an individual who is  
14 brought to the unit by a peace officer or ordered by a court to  
15 be examined. If the individual meets the requirements for hospi-  
16 talization, the preadmission screening unit shall designate the  
17 hospital to which the individual shall be admitted. The pread-  
18 mission screening unit shall consult with the individual and, if  
19 the individual agrees, it shall consult with the individual's  
20 family member of choice, if available, as to the preferred hospi-  
21 tal for admission of the individual.

22 (7) If the individual chooses a hospital not under contract  
23 with a community mental health services program, and the hospital  
24 agrees to the admission, the preadmission screening unit shall  
25 refer the individual to the hospital that is requested by the  
26 individual. Any financial obligation for the services provided  
27 by the hospital shall be satisfied from funding sources other

1 than the community mental health services program, the  
2 department, or other state or county funding.

3       Sec. 498e. (1) A minor requesting hospitalization or for  
4 whom a request for hospitalization was made shall be evaluated to  
5 determine suitability for hospitalization pursuant to this sec-  
6 tion as soon as possible after the request is made.

7       (2) The executive director of the community mental health  
8 services program that is responsible for providing services in  
9 the county of residence of a minor requesting hospitalization or  
10 for whom a request for hospitalization was made shall evaluate  
11 the minor to determine his or her suitability for hospitalization  
12 pursuant to this section. In making a determination of a minor's  
13 suitability for hospitalization, the executive director shall  
14 utilize the community mental health services program's children's  
15 diagnostic and treatment service. If a children's diagnostic and  
16 treatment service does not exist in the community mental health  
17 services program, the executive director shall, through written  
18 agreement, arrange to have a determination made by the children's  
19 diagnostic and treatment service of another community mental  
20 health services program, or by the appropriate hospital.

21       (3) In evaluating a minor's suitability for hospitalization,  
22 the executive director shall do all of the following:

23       (a) Determine both of the following:

24       (i) Whether the minor is a minor requiring treatment.

25       (ii) Whether the minor requires hospitalization and is  
26 expected to benefit from hospitalization.

1 (b) Determine whether there is an appropriate, available  
2 alternative to hospitalization, and if there is, refer the minor  
3 to that program.

4 (c) Consult with the appropriate school, hospital, and other  
5 public or private agencies.

6 (d) If the minor is determined to be suitable for hospital-  
7 ization under subdivision (a), refer the minor to the appropriate  
8 hospital.

9 (e) If the minor is determined not to be suitable for hospi-  
10 talization under subdivision (a), determine if the minor needs  
11 mental health services. If it is determined that the minor needs  
12 mental health services, the executive director shall offer an  
13 appropriate treatment program for the minor, if the program is  
14 available, or refer the minor to any other appropriate agency for  
15 services.

16 (f) If a minor is assessed and found not to be clinically  
17 suitable for hospitalization, the executive director shall inform  
18 the individual or individuals requesting hospitalization of the  
19 minor of appropriate available alternative services to which a  
20 referral should be made and of the process for a request of a  
21 second opinion under subsection (4).

22 (4) If the children's diagnostic and treatment service of  
23 the community mental health services program denies hospitaliza-  
24 tion, the parent or guardian of the minor may request a second  
25 opinion from the executive director. The executive director  
26 shall arrange for an additional evaluation by a psychiatrist,  
27 other physician, or licensed psychologist as soon as possible.

1 THE INDIVIDUAL MAKING THE EVALUATION SHALL SUBMIT A REPORT OF THE  
2 SECOND OPINION TO THE EXECUTIVE DIRECTOR WHO SHALL PROVIDE A COPY  
3 TO THE INDIVIDUAL MAKING THE REQUEST. If the conclusion of the  
4 second opinion is different from the conclusion of the children's  
5 diagnostic and treatment service, the executive director, in con-  
6 junction with the medical director, shall make a decision based  
7 on all clinical information available.

8 (5) If a minor has been admitted to a hospital not operated  
9 by or under contract with the department or a community mental  
10 health services program and the hospital considers it necessary  
11 to transfer the minor to a hospital under contract with a commu-  
12 nity mental health services program, the hospital shall submit an  
13 application for transfer to the appropriate community mental  
14 health services program. The executive director shall determine  
15 if there is an appropriate, available alternative to hospitaliza-  
16 tion of the minor. If the executive director determines that  
17 there is an appropriate, available alternative program, the minor  
18 shall be referred to that program. If the executive director  
19 determines that there is not an appropriate, alternative program,  
20 the minor shall be referred to a hospital under contract with the  
21 community mental health services program.

22 (6) Except as provided in subsections (1) and (5), this sec-  
23 tion only applies to hospitals operated under contract with a  
24 community mental health services program.