

**HOUSE SUBSTITUTE FOR
SENATE BILL NO. 362**

A bill to amend 1974 PA 258, entitled
"Mental health code,"
by amending section 116 (MCL 330.1116), as amended by 1995 PA
290.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 116. (1) Consistent with section 51 of article IV of
2 the state constitution of 1963, which declares that the health of
3 the people of the state is a matter of primary public concern,
4 and as required by section 8 of article VIII of the state consti-
5 tution of 1963, which declares that services for the care, treat-
6 ment, education, or rehabilitation of those who are seriously
7 mentally ~~handicapped~~ DISABLED shall always be fostered and sup-
8 ported, the department shall continually and diligently endeavor
9 to ensure that adequate and appropriate mental health services
10 are available to all citizens throughout the state. To this end,

1 the department shall have the general powers and duties described
2 in this section.

3 (2) The department shall do all of the following:

4 (a) Direct services to individuals who have a serious mental
5 illness, developmental disability, or serious emotional
6 disturbance. The department shall give priority to the following
7 services:

8 (i) Services for individuals with the most severe forms of
9 serious mental illness, serious emotional disturbance, or devel-
10 opmental disability.

11 (ii) Services for individuals with serious mental illness,
12 serious emotional disturbance, or developmental disability who
13 are in urgent or emergency situations.

14 (b) Administer the provisions of chapter 2 so as to promote
15 and maintain an adequate and appropriate system of community
16 mental health services programs throughout the state. In the
17 administration of chapter 2, it shall be the objective of the
18 department to shift primary responsibility for the direct deliv-
19 ery of public mental health services from the state to a commu-
20 nity mental health services program whenever the community mental
21 health services program has demonstrated a willingness and capac-
22 ity to provide an adequate and appropriate system of mental
23 health services for the citizens of that service area.

24 (c) Engage in planning for the purpose of identifying,
25 assessing, and enunciating the mental health needs of the state.

26 (d) Submit to the members of the house and senate standing
27 committees and appropriation subcommittees with legislative

1 oversight of mental health matters an annual report summarizing
2 its assessment of the mental health needs of the state and incor-
3 porating information received from community mental health serv-
4 ices programs under section 226. The report shall include an
5 estimate of the cost of meeting all identified needs. Additional
6 information shall be made available to the legislature upon
7 request.

8 (e) Endeavor to develop and establish arrangements and pro-
9 cedures for the effective coordination and integration of all
10 public mental health services, and for effective cooperation
11 between public and nonpublic services, for the purpose of provid-
12 ing a unified system of statewide mental health care.

13 (f) Review and evaluate the relevance, quality, effective-
14 ness, and efficiency of mental health services being provided by
15 the department and assure the review and evaluation of mental
16 health services provided by community mental health services
17 programs. The department shall establish and implement a struc-
18 tured system to provide data necessary for the reviews and
19 evaluations.

20 (g) Implement those provisions of law under which it is
21 responsible for the licensing or certification of mental health
22 facilities or services.

23 (h) Establish standards of training and experience for exec-
24 utive directors of community mental health services programs.

25 (i) Support research activities.

26 (j) Support evaluation and quality improvement activities.

1 (k) Support training, consultation, and technical assistance
2 regarding mental health programs and services and appropriate
3 prevention and mental health promotion activities, including
4 those that are culturally sensitive, to employees of the depart-
5 ment, community mental health services programs, and other non-
6 profit agencies providing mental health services under contract
7 with community mental health services programs.

8 (1) Support multicultural services.

9 (3) The department may do all of the following:

10 (a) Direct services to individuals who have mental disorders
11 that meet diagnostic criteria specified in the most recent diag-
12 nostic and statistical manual of mental health disorders pub-
13 lished by the American psychiatric association and approved by
14 the department and to the prevention of mental disability and the
15 promotion of mental health. Resources that have been specifi-
16 cally appropriated for services to individuals with dementia,
17 alcoholism, or substance abuse, or for the prevention of mental
18 disability and the promotion of mental health shall be utilized
19 for those specific purposes.

20 (b) Provide, on a residential or nonresidential basis, any
21 type of patient or client service including but not limited to
22 prevention, diagnosis, treatment, care, education, training, and
23 rehabilitation.

24 (c) Operate mental health programs or facilities directly or
25 through contractual arrangement.

26 (d) Institute pilot projects considered appropriate by the
27 director to test new models and concepts in service delivery or

1 mental health administration. Pilot projects may include, but
2 need not be limited to, both of the following:

3 (i) Issuance of a voucher to a recipient of public mental
4 health services in accordance with the recipient's individual
5 plan of services and guidelines developed by the department.

6 (ii) Establishment of revolving loans to assist recipients
7 of public mental health services to acquire or maintain afford-
8 able housing. Funding under this subparagraph shall only be pro-
9 vided through an agreement with a nonprofit fiduciary in accord-
10 ance with guidelines and procedures developed by the department
11 related to the use, issuance, and accountability of revolving
12 loans used for recipient housing.

13 (e) Enter into an agreement, contract, or arrangement with
14 any individual or public or nonpublic entity that is necessary or
15 appropriate to fulfill those duties or exercise those powers that
16 have by statute been given to the department.

17 (f) Accept gifts, grants, bequests, and other donations for
18 use in performing its functions. Any money or property accepted
19 shall be used as directed by its donor and in accordance with law
20 and the rules and procedures of the department.

21 (g) The department has any other power necessary or appro-
22 priate to fulfill those duties and exercise those powers that
23 have been given to the department by law and that are not other-
24 wise prohibited by law.

25 Enacting section 1. This amendatory act does not take
26 effect unless Senate Joint Resolution I of the 89th Legislature

SB0362, As Passed House, March 10, 1998

Senate Bill No. 362

6

1 becomes a part of the state constitution of 1963 as provided in
2 section 1 of article XII of the state constitution of 1963.