

# HOUSE BILL No. 6223

November 5, 1998, Introduced by Reps. Hammerstrom, Raczkowski, Voorhees, Jellema, Birkholz, Sanborn, McBryde, Bodem and Richner and referred to the Committee on Mental Health.

A bill to amend 1974 PA 258, entitled  
"Mental health code,"  
by amending section 700 (MCL 330.1700), as amended by 1995  
PA 290, and by adding section 713a.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 700. As used in this chapter, unless the context  
2 requires otherwise:  
3       (a) "Criminal abuse" means 1 or more of the following:  
4       (i) An assault that is a violation or an attempt or conspir-  
5 acy to commit a violation of sections 81 to 90 of the Michigan  
6 penal code, ~~Act No. 328 of the Public Acts of 1931, being sec-~~  
7 ~~tions 750.81 to 750.90 of the Michigan Compiled Laws 1931~~  
8 PA 328, MCL 750.81 TO 750.90. Criminal abuse does not include an  
9 assault or an assault and battery that is a violation of section  
10 81 of ~~Act No. 328 of the Public Acts of 1939, being section~~

1 ~~750.81 of the Michigan Compiled Laws~~ THE MICHIGAN PENAL CODE,  
2 1931 PA 328, MCL 750.81, and that is committed by a recipient  
3 against another recipient.

4 (ii) A criminal homicide that is a violation or an attempt  
5 or conspiracy to commit a violation of section 316, 317, or 321  
6 of ~~Act No. 328 of the Public Acts of 1931, being sections~~  
7 ~~750.316, 750.317, and 750.321 of the Michigan Compiled Laws~~ THE  
8 MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.316, 750.317, AND  
9 750.321.

10 (iii) Criminal sexual conduct that is a violation or an  
11 attempt or conspiracy to commit a violation of sections 520b to  
12 520e or 520g of ~~Act No. 328 of the Public Acts of 1931, being~~  
13 ~~sections 750.520b to 750.520e and 750.520g of the Michigan~~  
14 ~~Compiled Laws~~ THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.520B  
15 TO 750.520E AND 750.520G.

16 (iv) Vulnerable adult abuse that is a violation or an  
17 attempt or conspiracy to commit a violation of section 145n of  
18 the Michigan penal code, ~~Act No. 328 of the Public Acts of 1931,~~  
19 ~~being section 750.145n of the Michigan Compiled Laws~~ 1931  
20 PA 328, MCL 750.145N.

21 (v) Child abuse that is a violation or an attempt or con-  
22 spiracy to commit a violation of section 136b of ~~Act No. 328 of~~  
23 ~~the Public Acts of 1931, being section 750.136b of the Michigan~~  
24 ~~Compiled Laws~~ THE MICHIGAN PENAL CODE, 1931 PA 328,  
25 MCL 750.136B.

26 (B) "FAMILY-CENTERED PRACTICE AND SERVICE DELIVERY" MEANS  
27 SERVICE DELIVERY, ACROSS DISCIPLINES AND SETTINGS, THAT

1 RECOGNIZES THE CENTRALITY OF THE FAMILY IN A MINOR'S LIFE. IN  
2 THE CASE OF MINORS, FAMILY-CENTERED PRACTICE AND SERVICE DELIVERY  
3 IS GUIDED BY FULLY INFORMED CHOICES MADE BY THE FAMILY AND  
4 FOCUSES ON THE CHILD'S AND HIS OR HER FAMILY'S STRENGTHS AND  
5 CAPABILITIES.

6 (C) ~~(b)~~ "Health care corporation" means a nonprofit health  
7 care corporation operating under the nonprofit health care corpo-  
8 ration reform act, ~~Act No. 350 of the Public Acts of 1980, being~~  
9 ~~sections 550.1101 to 550.1704 of the Michigan Compiled Laws~~ 1980  
10 PA 350, MCL 550.1101 TO 550.1704.

11 (D) ~~(c)~~ "Health care insurer" means an insurer authorized  
12 to provide health insurance in this state or a legal entity that  
13 is self-insured and provides health care benefits to its  
14 employees.

15 (E) ~~(d)~~ "Health maintenance organization" means ~~an~~ A  
16 HEALTH MAINTENANCE organization licensed under ~~part 210~~  
17 ARTICLE 17 of the public health code, ~~Act No. 368 of the Public~~  
18 ~~Acts of 1978, being sections 333.21001 to 333.21098 of the~~  
19 ~~Michigan Compiled Laws~~ 1978 PA 368, MCL 333.20101 TO 333.22260.

20 (F) ~~(e)~~ "Money" means any legal tender, note, draft, cer-  
21 tificate of deposit, stock, bond, check, or credit card.

22 (G) ~~(f)~~ "Nonprofit dental care corporation" means a dental  
23 care corporation incorporated under ~~Act No. 125 of the Public~~  
24 ~~Acts of 1963, being sections 550.351 to 550.373 of the Michigan~~  
25 ~~Compiled Laws~~ 1963 PA 125, MCL 550.351 TO 550.373.

26 (H) ~~(g)~~ "Person-centered planning" means a process for  
27 planning and supporting the individual receiving services that

1 builds upon the individual's capacity to engage in activities  
2 that promote community life and that honors the individual's  
3 preferences, choices, and abilities. The person-centered plan-  
4 ning process involves families, friends, and professionals as the  
5 individual desires or requires.

6 (I) ~~(h)~~ "Privileged communication" means a communication  
7 made to a psychiatrist or psychologist in connection with the  
8 examination, diagnosis, or treatment of a patient, or to another  
9 person while the other person is participating in the examina-  
10 tion, diagnosis, or treatment or a communication made privileged  
11 under other applicable state or federal law.

12 (J) ~~(i)~~ "Restraint" means the use of a physical device to  
13 restrict an individual's movement. Restraint does not include  
14 the use of a device primarily intended to provide anatomical  
15 support.

16 (K) ~~(j)~~ "Seclusion" means the temporary placement of a  
17 recipient in a room ~~—~~ alone, where egress BY ANY MEANS is  
18 prevented. ~~by any means.~~

19 (L) ~~(k)~~ "Support plan" means a written plan that specifies  
20 the personal support services or any other supports that are to  
21 be developed with and provided for a recipient.

22 (M) ~~(l)~~ "Treatment plan" means a written plan that speci-  
23 fies the goal-oriented treatment or training services, including  
24 rehabilitation or habilitation services, that are to be developed  
25 with and provided for a recipient.

26 SEC. 713A. (1) FAMILY-CENTERED PRACTICE AND SERVICE  
27 DELIVERY SHALL CONCENTRATE ON THE MINOR AS A MEMBER OF A FAMILY,

1 AND THE WANTS AND NEEDS OF THE FAMILY MUST BE INTEGRAL TO ANY  
2 PLAN DEVELOPED FOR THE MINOR. PARENTS AND SIGNIFICANT FAMILY  
3 MEMBERS OF MINORS SHALL BE INCLUDED IN THE FAMILY-CENTERED PLAN-  
4 NING PROCESS FOR MINORS UNLESS 1 OF THE FOLLOWING APPLIES:

5 (A) THE MINOR IS 14 YEARS OF AGE OR OLDER AND HAS REQUESTED  
6 SERVICES PROVIDED UNDER THIS ACT WITHOUT THE KNOWLEDGE OR CONSENT  
7 OF A PARENT, GUARDIAN, OR PERSON ACTING IN LOCO PARENTIS WITHIN  
8 THE PROVISIONS OF THIS ACT.

9 (B) THE MINOR IS EMANCIPATED UNDER SECTION 4 OF 1968 PA 293,  
10 MCL 722.4.

11 (C) THE INCLUSION OF PARENTS OR SIGNIFICANT FAMILY MEMBERS  
12 WOULD CONSTITUTE A SUBSTANTIAL RISK OF PHYSICAL OR EMOTIONAL HARM  
13 TO THE MINOR OR SUBSTANTIAL DISRUPTION OF THE PLANNING PROCESS AS  
14 STATED IN THIS ACT.

15 (2) IF A PARENT OR SIGNIFICANT FAMILY MEMBER IS NOT INCLUDED  
16 IN THE FAMILY-CENTERED PLANNING PROCESS FOR THE MINOR, THE PHYSI-  
17 CIAN OR MENTAL HEALTH PROFESSIONAL SHALL DOCUMENT THE REASON FOR  
18 THE EXCLUSION IN THE MINOR'S CLINICAL RECORD.