

**SUBSTITUTE FOR
SENATE BILL NO. 554**

A bill to amend 1974 PA 258, entitled
"Mental health code,"
by amending section 100c (MCL 330.1100c), as added by 1995
PA 290.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 100c. (1) "Peace officer" means an officer of the
2 department of state police or of a law enforcement agency of a
3 county, township, city, or village who is responsible for the
4 prevention and detection of crime and enforcement of the criminal
5 laws of this state. For the purposes of sections 408 and 427,
6 peace officer also includes an officer of the United States
7 secret service with the officer's consent and a police officer of
8 the veterans' administration medical center reservation.
9 (2) "Peer review" means a process, including the review
10 process required under section 143a, in which mental health

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1 professionals of a state facility, licensed hospital, or
2 community mental health services program evaluate the clinical
3 competence of staff and the quality and appropriateness of care
4 provided to recipients. These evaluations are confidential in
5 accordance with section 748(9) and are based on criteria estab-
6 lished by the facility or community mental health services pro-
7 gram itself, the accepted standards of the mental health profes-
8 sions, and the ~~departments of mental health and public health~~
9 DEPARTMENT OF COMMUNITY HEALTH.

10 (3) "Person requiring treatment" means an individual who
11 meets the criteria described in section 401.

12 (4) "Physician" means an individual licensed by the state to
13 engage in the practice of medicine or osteopathic medicine and
14 surgery under article 15 of the public health code, ~~Act No. 368~~
15 ~~of the Public Acts of 1978, being sections 333.16101 to 333.18838~~
16 ~~of the Michigan Compiled Laws~~ 1978 PA 368, MCL 333.16101 TO
17 333.18838.

18 (5) "Primary consumer" means an individual who has received
19 or is receiving services from the department or a community
20 mental health services program or services from the private
21 sector equivalent to those offered by the department or a commu-
22 nity mental health services program.

23 (6) "Priority" means preference for and dedication of a
24 major proportion of resources to specified populations or
25 services. Priority does not mean serving or funding the speci-
26 fied populations or services to the exclusion of other
27 populations or services.

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1 (7) "Protective custody" means the temporary custody of an
2 individual by a peace officer with or without the individual's
3 consent for the purpose of protecting that individual's health
4 and safety, or the health and safety of the public, and for the
5 purpose of transporting the individual under section 408 or 427
6 if the individual appears, in the judgment of the peace officer,
7 to be a person requiring treatment or is a person requiring
8 treatment. Protective custody is civil in nature and is not to
9 be construed as an arrest.

10 (8) "Psychiatric partial hospitalization program" means a
11 nonresidential treatment program that provides psychiatric, psy-
12 chological, social, occupational, nursing, music therapy, and
13 therapeutic recreational services under the supervision of a phy-
14 sician to adults diagnosed as having serious mental illness or
15 minors diagnosed as having serious emotional disturbance who do
16 not require 24-hour continuous mental health care, and that is
17 affiliated with a psychiatric hospital or psychiatric unit to
18 which clients may be transferred if they need inpatient psychiat-
19 ric care.

20 (9) "Psychiatric unit" means a unit of a general hospital —
21 ~~which~~ THAT provides inpatient services for individuals with
22 serious mental illness or serious emotional disturbance. As used
23 in this subsection, "general hospital" means a hospital as
24 defined in section 20106 of the public health code, ~~Act No. 368~~
25 ~~of the Public Acts of 1978, being section 333.20106 of the~~
26 ~~Michigan Compiled Laws~~ 1978 PA 368, MCL 333.20106.

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1 (10) "Psychiatrist" means 1 or more of the following:

2 (a) A physician who has completed a residency program in
3 psychiatry approved by the accreditation council for graduate
4 medical education or the american osteopathic association, or who
5 has completed 12 months of psychiatric rotation and is enrolled
6 in an approved residency program as described in this
7 subsection.

8 (b) A psychiatrist employed by or under contract with the
9 department or a community mental health services program on ~~the~~
10 ~~effective date of the amendatory act that added this section~~
11 MARCH 28, 1996.

12 (c) A physician who devotes a substantial portion of his or
13 her time to the practice of psychiatry and is approved by the
14 director.

15 (11) "Psychologist" means an individual licensed to engage
16 in the practice of psychology under article 15 of ~~Act No. 368 of~~
17 ~~the Public Acts of 1978~~ THE PUBLIC HEALTH CODE, 1978 PA 368,
18 MCL 333.16101 TO 333.18838, who devotes a substantial portion of
19 his or her time to the diagnosis and treatment of individuals
20 with serious mental illness, serious emotional disturbance, or
21 developmental disability.

22 (12) "Recipient" means an individual who receives mental
23 health services from the department, a community mental health
24 services program, or a facility or from a provider that is under
25 contract with the department or a community mental health serv-
26 ices program.

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1 (13) "Recipient rights advisory committee" means a committee
2 of a community mental health services program board appointed
3 under section 757 or a recipient rights advisory committee
4 appointed by a licensed hospital under section 758.

5 (14) "REGIONAL ENTITY" MEANS AN ENTITY ESTABLISHED UNDER
6 SECTION 204B TO PROVIDE SPECIALTY SERVICES AND SUPPORTS.

7 (15) ~~-(14)-~~ "Resident" means an individual who receives
8 services in a facility.

9 (16) ~~-(15)-~~ "Responsible mental health agency" means the
10 hospital, center, or community mental health services program
11 that has primary responsibility for the recipient's care or for
12 the delivery of services or supports to that recipient.

13 (17) ~~-(16)-~~ "Rule" means a rule promulgated under the admin-
14 istrative procedures act of 1969, ~~Act No. 306 of the Public Acts~~
15 ~~of 1969, being sections 24.201 to 24.328 of the Michigan Compiled~~
16 ~~Laws~~ 1969 PA 306, MCL 24.201 TO 24.328.

17 Enacting section 1. This amendatory act does not take
18 effect unless Senate Bill No. 555 of the 91st Legislature is
19 enacted into law.