



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536



BILL ANALYSIS

Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

Senate Bill 1344 (Substitute S-3 as reported by the Committee of the Whole)

Sponsor: Senator Bev Hammerstrom

Committee: Health Policy

CONTENT

The bill would amend the child care licensing Act to do the following with regard to child caring institutions that contract with and receive payment from a community mental health (CMH) services program or prepaid inpatient health plan:

- Prohibit the use of mechanical and chemical restraint.
- Allow the use of personal restraint and seclusion, if ordered by certain health care professionals trained in the use of personal restraint and seclusion and knowledgeable of the inherent risks of implementation.
- Require staff to undergo continuing education and training in the use of personal restraint and seclusion, and the identification of alternate methods for preventing or defusing an emergency safety situation (as defined in the bill).
- Establish procedures for the use of personal restraint and seclusion, including debriefings of all situations in which personal restraint or seclusion was employed.
- Establish documentation and record-keeping requirements.
- Require a face-to-face assessment of a minor if the use of personal restraint or seclusion exceeded specified time limits.
- Require the reporting of instances of death, serious injury, or attempted suicide to the Family Independence Agency and the State-designated protection and advocacy system.

"Seclusion" would mean the involuntary placement of a minor in a room alone, where the minor is prevented from exiting by any means, including the physical presence of a staff person if the sole purpose of the staff person's presence is to prevent the minor from exiting the room. "Personal restraint" would mean the application of physical force without the use of a device, for the purpose of restraining the free movement of a minor's body.

The bill would not apply to a child caring institution that does not contract with or receive payment from a CMH authority, organization, or services program for the care, treatment, maintenance, and supervision of a minor. The bill is tie-barred to Senate Bill 231, which would prohibit a minor from being placed in seclusion except as provided in the Act.

Proposed MCL 722.102b-722.102e

Legislative Analyst: Julie Koval

FISCAL IMPACT

The bill would have an indeterminate impact on the Family Independence Agency. The State licenses approximately 300 child caring institutions, of which 10% are institutions serving children receiving community mental health services that would be affected by the bill. The requirements for reporting, developing and preparing report forms, collecting data, and preparing reports would result in some administrative costs; the amount cannot be determined at this time.

Date Completed: 11-3-04

Fiscal Analyst: Constance Cole