

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 667

A bill to amend 1974 PA 258, entitled
"Mental health code,"
by amending section 222 (MCL 330.1222), as amended by 2002 PA
596.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 222. (1) The composition of a community mental health
2 services board shall be representative of providers of mental
3 health services, recipients or primary consumers of mental health
4 services, agencies and occupations having a working involvement
5 with mental health services, and the general public. At least
6 1/3 of the membership shall be primary consumers or family
7 members, and of that 1/3 at least ~~2~~ **1/2 of those** members shall
8 be primary consumers. All board members shall be 18 years of age
9 or older.
- 10 (2) Not more than 4 members of a board may be county

1 commissioners, except that if a board represents 5 or more
2 counties, the number of county commissioners who may serve on the
3 board may equal the number of counties represented on the board,
4 and the total of 12 board memberships shall be increased by the
5 number of county commissioners serving on the board that exceeds
6 4. In addition to an increase in board memberships related to
7 the number of county commissioners serving on a board that
8 represents 5 or more counties, board memberships may also be
9 expanded to more than the total of 12 to ensure that each county
10 is entitled to at least 2 board memberships, which may include
11 county commissioners from that county who are members of the
12 board if the board represents 5 or more counties. Not more than
13 ~~half~~ 1/2 of the total board members may be state, county, or
14 local public officials. For purposes of this section, public
15 officials are defined as individuals serving in an elected or
16 appointed public office or employed more than 20 hours per week
17 by an agency of federal, state, city, or local government.

18 (3) A board member shall have his or her primary place of
19 residence in the county he or she represents.

20 (4) An individual shall not be appointed to and shall not
21 serve on a board if he or she is 1 or more of the following:

22 (a) Employed by the department or the community mental health
23 services program.

24 (b) A party to a contract with the community mental health
25 services program or administering or benefiting financially from
26 a contract with the community mental health services program,
27 except for a party to a contract between a community mental

1 health services program and a regional entity or a separate legal
2 or an administrative entity created by 2 or more community mental
3 health services programs under the urban cooperation act of 1967,
4 1967 (Ex Sess) PA 7, MCL 124.501 to 124.512, or under 1967 (Ex
5 Sess) PA 8, MCL 124.531 to 124.536.

6 (c) Serving in a policy-making position with an agency under
7 contract with the community mental health services program,
8 except for an individual serving in a policy-making position with
9 a joint board or commission established under 1967 (Ex Sess)
10 PA 8, MCL 124.531 to 124.536, or a regional entity to provide
11 community mental health services.

12 (5) If a board member is an employee or independent
13 contractor in other than a policy-making position with an agency
14 with which the board is considering entering into a contract, the
15 contract shall not be approved unless all of the following
16 requirements are met:

17 (a) The board member shall promptly disclose his or her
18 interest in the contract to the board.

19 (b) The contract shall be approved by a vote of not less than
20 2/3 of the membership of the board in an open meeting without the
21 vote of the board member in question.

22 (c) The official minutes of the meeting at which the contract
23 is approved contains the details of the contract including, but
24 not limited to, names of all parties and the terms of the
25 contract and the nature of the board member's interest in the
26 contract.

27 (6) Subsection (5) does not apply to a board member who is an

1 employee or independent contractor in other than a policy-making
2 position with a joint board or commission established under 1967
3 (Ex Sess) PA 8, MCL 124.531 to 124.536, a separate legal or
4 administrative entity established under the urban cooperation act
5 of 1967, 1967 (Ex Sess) PA 7, MCL 124.501 to 124.512, a
6 combination of municipal corporations joined under 1951 PA 35,
7 MCL 124.1 to 124.13, or a regional entity to provide community
8 mental health services.

9 (7) In order to meet the requirement under subsection (1)
10 related to the appointment of primary consumers and family
11 members without terminating the appointment of a board member
12 serving on ~~the effective date of this subsection~~ **March 28,**
13 **1996**, the size of a board may exceed the size prescribed in
14 section 212. A board that is different in size than that
15 prescribed in section 212 shall be brought into compliance within
16 3 years after the appointment of the additional board members.