

SENATE BILL No. 667

September 16, 2003, Introduced by Senators ALLEN, GARCIA, STAMAS and McMANUS
and referred to the Committee on Health Policy.

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. **The number of board members may be expanded to more than 12**
7 **members to ensure that each county is entitled to at least 2**
8 **board memberships if a board represents 5 or more counties that**
9 **have disproportionate populations.** Not more than ~~half~~ 1/2 of
10 the total board members may be state, county, or local public
11 officials. For purposes of this section, public officials are
12 defined as individuals serving in an elected or appointed public
13 office or employed more than 20 hours per week by an agency of
14 federal, state, city, or local government.

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

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

19 (a) Employed by the department or the community mental health
20 services program.

21 (b) A party to a contract with the community mental health
22 services program or administering or benefiting financially from
23 a contract with the community mental health services program,
24 except for a party to a contract between a community mental
25 health services program and a regional entity or a separate legal
26 or an administrative entity created by 2 or more community mental
27 health services programs under the urban cooperation act of 1967,

1 1967 (Ex Sess) PA 7, MCL 124.501 to 124.512, or under 1967 (Ex
2 Sess) PA 8, MCL 124.531 to 124.536.

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

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

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

16 (b) The contract shall be approved by a vote of not less than
17 2/3 of the membership of the board in an open meeting without the
18 vote of the board member in question.

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

24 (6) Subsection (5) does not apply to a board member who is an
25 employee or independent contractor in other than a policy-making
26 position with a joint board or commission established under 1967
27 (Ex Sess) PA 8, MCL 124.531 to 124.536, a separate legal or

1 administrative entity established under the urban cooperation act
2 of 1967, 1967 (Ex Sess) PA 7, MCL 124.501 to 124.512, a
3 combination of municipal corporations joined under 1951 PA 35,
4 MCL 124.1 to 124.13, or a regional entity to provide community
5 mental health services.

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