

SUBSTITUTE FOR
SENATE BILL NO. 1469

A bill to amend 1974 PA 258, entitled
"Mental health code,"
by amending section 407 (MCL 330.1407), as amended by 1995 PA
290.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 407. A patient in a department hospital may be
2 transferred to any other hospital, or to any facility of the
3 department that is not a hospital, if the transfer would not be
4 detrimental to the patient and if both the community mental
5 health services program and the department approve the transfer.
6 The patient, **a patient advocate designated to make mental health**
7 **treatment decisions for the patient under the estates and**
8 **protected individuals code, 1998 PA 386, MCL 700.1101 to**
9 **700.8102, if any,** and the patient's guardian or nearest relative
10 shall be notified at least 7 days prior to any transfer, except

1 that a transfer may be effected earlier if it is necessitated by
2 an emergency. In addition, the patient may designate up to 2
3 other persons to receive the notice. If a transfer is effected
4 due to an emergency, the required notices shall be given as soon
5 as possible, but not later than 24 hours after the transfer. If
6 the patient, **the patient advocate**, or the patient's guardian or
7 nearest relative objects to the transfer, the department shall
8 provide an opportunity to appeal the transfer.

9 Enacting section 1. This amendatory act does not take
10 effect unless all of the following bills of the 92nd Legislature
11 are enacted into law:

- 12 (a) Senate Bill No. 1464.
- 13 (b) Senate Bill No. 1468.
- 14 (c) Senate Bill No. 1470.
- 15 (d) Senate Bill No. 1471.
- 16 (e) Senate Bill No. 1472.