

SENATE BILL No. 685

September 16, 2003, Introduced by Senators BERNERO, GEORGE, CROPSEY, BRATER, McMANUS, GOSCHKA, BIRKHOLZ, SCHAUER and THOMAS and referred to the Committee on Health Policy.

A bill to amend 1974 PA 258, entitled "Mental health code," by amending sections 472a, 473, and 475 (MCL 330.1472a, 330.1473, and 330.1475), sections 472a and 475 as added and section 473 as amended by 1996 PA 588.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 472a. (1) Upon the receipt of an application under
2 section 423 or a petition under section 434 and a finding that an
3 individual is a person requiring treatment, the court shall issue
4 an initial order of involuntary mental health treatment ~~—, which~~
5 **that** shall be limited in duration as follows:

6 (a) An initial order of hospitalization shall not exceed 60
7 days.

8 (b) ~~An~~ **Except as provided in subdivision (d),** an initial
9 order of alternative treatment shall not exceed 90 days.

1 (c) ~~An~~ **Except as provided in subdivision (e), an** initial
2 order of combined hospitalization and alternative treatment shall
3 not exceed 90 days. The hospitalization portion of the initial
4 order shall not exceed 60 days.

5 (d) **An initial order of assisted outpatient treatment shall**
6 **not exceed 180 days.**

7 (e) **An initial order of combined hospitalization and assisted**
8 **outpatient treatment shall not exceed 180 days. The**
9 **hospitalization portion of the initial order shall not exceed 60**
10 **days.**

11 (2) Upon the receipt of a petition under section 473 before
12 the expiration of an initial order under subsection (1) and a
13 finding that the individual continues to be a person requiring
14 treatment, the court shall issue a second order for involuntary
15 mental health treatment ~~—, which—~~ **that** shall be limited in
16 duration as follows:

17 (a) A second order of hospitalization shall not exceed 90
18 days.

19 (b) A second order of alternative treatment **or assisted**
20 **outpatient treatment** shall not exceed 1 year.

21 (c) A second order of combined hospitalization and
22 alternative treatment **or assisted outpatient treatment** shall not
23 exceed 1 year. The hospitalization portion of the second order
24 shall not exceed 90 days.

25 (3) Upon the receipt of a petition under section 473 before
26 the expiration of a second order under subsection (2) and a
27 finding that the individual continues to be a person requiring

1 treatment, the court shall issue a continuing order for
2 involuntary mental health treatment ~~—, which~~ **that** shall be
3 limited in duration as follows:

4 (a) A continuing order of hospitalization shall not exceed 1
5 year.

6 (b) A continuing order of alternative treatment **or assisted**
7 **outpatient treatment** shall not exceed 1 year.

8 (c) A continuing order of combined hospitalization and
9 alternative treatment **or assisted outpatient treatment** shall not
10 exceed 1 year. The hospitalization portion of a continuing order
11 for combined hospitalization and alternative treatment **or**
12 **assisted outpatient treatment** shall not exceed 90 days.

13 (4) Upon the receipt of a petition under section 473 before
14 the expiration of a continuing order of involuntary mental health
15 treatment, including a continuing order issued under section 485a
16 or a 1-year order of hospitalization issued under former
17 section 472, and a finding that the individual continues to be a
18 person requiring treatment, the court shall issue another
19 continuing order for involuntary mental health treatment as
20 provided in subsection (3) for a period not to exceed 1 year.
21 The court shall continue to issue consecutive 1-year continuing
22 orders for involuntary mental health treatment under this section
23 until a continuing order expires without a petition having been
24 filed under section 473 or the court finds that the individual is
25 not a person requiring treatment.

26 (5) If a petition for an order of involuntary mental health
27 treatment is not brought under section 473 at least 14 days

1 before the expiration of an order of involuntary mental health
2 treatment as described in subsections (2) to (4), a person who
3 believes that an individual continues to be a person requiring
4 treatment may file a petition under section 434 for an initial
5 order of involuntary mental health treatment as described in
6 subsection (1).

7 (6) An individual who on March 28, 1996 was subject to an
8 order of continuing hospitalization for an indefinite period of
9 time shall be brought for hearing no later than 15 days after the
10 date of the second 6-month review that occurs after March 28,
11 1996. If the court finds at the hearing that the individual
12 continues to be a person requiring treatment, the court shall
13 enter a continuing order of involuntary mental health treatment
14 as described in subsection (3).

15 Sec. 473. Not less than 14 days before the expiration of an
16 initial, second, or continuing order of involuntary mental health
17 treatment issued under section 472a or section 485a, a hospital
18 director or an agency or mental health professional supervising
19 an individual's alternative treatment **or assisted outpatient**
20 **treatment** shall file a petition for a second or continuing order
21 of involuntary mental health treatment if the hospital director
22 or supervisor believes the individual continues to be a person
23 requiring treatment and that the individual is likely to refuse
24 treatment on a voluntary basis when the order expires. The
25 petition shall contain a statement setting forth the reasons for
26 the hospital director's or supervisor's or their joint
27 determination that the individual continues to be a person

1 requiring treatment, a statement describing the treatment program
2 provided to the individual, the results of that course of
3 treatment, and a clinical estimate as to the time further
4 treatment will be required. The petition shall be accompanied by
5 a clinical certificate executed by a psychiatrist.

6 Sec. 475. (1) During the period of an order for alternative
7 treatment or combined hospitalization and alternative treatment,
8 if the agency or mental health professional who is supervising an
9 individual's alternative treatment program determines that the
10 individual is not complying with the court order or that the
11 alternative treatment has not been or will not be sufficient to
12 prevent harm that the individual may inflict on himself or
13 herself or upon others, then the supervising agency or mental
14 health professional shall notify the court immediately. If the
15 individual believes that the alternative treatment program is not
16 appropriate, the individual may notify the court of that fact.

17 (2) If it comes to the attention of the court that an
18 individual subject to an order of alternative treatment or
19 combined hospitalization and alternative treatment is not
20 complying with the order, that the alternative treatment has not
21 been or will not be sufficient to prevent harm to the individual
22 or to others, or that the individual believes that the
23 alternative treatment program is not appropriate, the court may
24 do either of the following without a hearing and based upon the
25 record and other available information:

26 (a) Consider other alternatives to hospitalization and modify
27 the order to direct the individual to undergo another program of

1 alternative treatment for the duration of the order.

2 (b) Modify the order to direct the individual to undergo
3 hospitalization or combined hospitalization and alternative
4 treatment. The duration of the hospitalization, including the
5 number of days the individual has already been hospitalized if
6 the order being modified is a combined order, shall not exceed 60
7 days for an initial order or 90 days for a second or continuing
8 order. The modified order may provide that if the individual
9 refuses to comply with the psychiatrist's order to return to the
10 hospital, a peace officer shall take the individual into
11 protective custody and transport the individual to the hospital
12 selected.

13 (3) During the period of an order for assisted outpatient
14 treatment, if the agency or mental health professional who is
15 supervising an individual's assisted outpatient treatment
16 determines that the individual is not complying with the court
17 order, the supervising agency or mental health professional shall
18 notify the court immediately.

19 (4) If it comes to the attention of the court that an
20 individual subject to an order of assisted outpatient treatment
21 is not complying with the order, the court may require, without a
22 hearing, that the individual be hospitalized for the duration of
23 the order. The court may direct peace officers to transport the
24 individual to a designated facility, and the court may specify
25 conditions under which the individual may return to assisted
26 outpatient treatment before the order expires.

27 Enacting section 1. This amendatory act does not take

1 effect unless all of the following bills of the 92nd Legislature
2 are enacted into law:

3 (a) Senate Bill No. 683.

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5 (b) Senate Bill No. 684.

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7 (c) Senate Bill No. 686.

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