

SENATE BILL No. 1469

November 3, 2004, Introduced by Senators HAMMERSTROM, PATTERSON and JACOBS
and referred to the Committee on Health Policy.

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

14 (b) Senate Bill No. 1468.

15

16 (c) Senate Bill No. 1470.

17

18 (d) Senate Bill No. 1471.

19

20 (e) Senate Bill No. 1472.

21