

SUBSTITUTE FOR  
HOUSE BILL NO. 5927

A bill to amend 1974 PA 258, entitled  
"Mental health code,"  
by amending section 104 (MCL 330.1104), as amended by 1986 PA 287.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 104. (1) The head of the department is the director of  
2       mental health as provided in section 401 of the executive  
3       organization act of 1965, ~~Act No. 380 of the Public Acts of 1965,~~  
4       ~~being section 16.501 of the Michigan Compiled Laws~~ **1965 PA 380,**  
5       **MCL 16.501.**

6       (2) All executive authority of and within the department is  
7       vested in the director, who may delegate ~~such~~ **THAT** authority as  
8       he or she considers necessary or appropriate. Any authority that  
9       has by law been vested in any entity owned or operated by the

1 department, or any employee of the department is exercisable by the  
2 director at his or her option. The director shall delegate  
3 authority for clinical decisions to appropriately trained clinical  
4 professionals. This subsection ~~shall apply~~ **APPLIES** to each  
5 chapter of ~~the mental health code~~ **THIS ACT**.

6 (3) **THE DIRECTOR SHALL APPOINT A MEDICAL DIRECTOR OF MENTAL**  
7 **HEALTH SERVICES WHO IS AN APPROPRIATELY CREDENTIALLED PSYCHIATRIST.**  
8 **THE MEDICAL DIRECTOR SHALL DO ALL OF THE FOLLOWING:**

9 (A) **ADVISE THE DIRECTOR ON MENTAL HEALTH POLICY AND TREATMENT**  
10 **ISSUES.**

11 (B) **SERVE AS A RESOURCE ON MENTAL HEALTH CLINICAL MATTERS TO**  
12 **ALL DIVISIONS WITHIN THE DEPARTMENT, OTHER STATE DEPARTMENTS, AND**  
13 **THE MENTAL HEALTH FIELD.**

14 (C) **PROMOTE THE USE OF MENTAL HEALTH CARE AND TREATMENT BEST**  
15 **PRACTICES THAT ARE SCIENTIFICALLY VALIDATED AND RECOVERY ORIENTED.**

16 (4) ~~—(3)—~~ Clinical psychiatric decisions regarding the  
17 admission, treatment, and discharge of psychiatric patients in  
18 state mental hospitals shall be made by qualified state hospital  
19 physicians or appropriately credentialed psychiatrists granted  
20 state hospital staff privileges ~~pursuant to~~ **UNDER** section 245.