

SENATE BILL No. 865

September 24, 2009, Introduced by Senators BRATER, JACOBS, CLARK-COLEMAN, CLARKE, SCOTT, CHERRY, OLSHOVE, ANDERSON, BASHAM, SWITALSKI and THOMAS and referred to the Committee on Health Policy.

A bill to amend 1974 PA 258, entitled
"Mental health code,"
by amending sections 116 and 208 (MCL 330.1116 and 330.1208),
section 116 as amended by 1998 PA 67 and section 208 as amended by
1995 PA 290.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 116. (1) Consistent with section 51 of article IV of the
2 state constitution of 1963, which declares that the health of the
3 people of the state is a matter of primary public concern, and as
4 required by section 8 of article VIII of the state constitution of
5 1963, which declares that services for the care, treatment,
6 education, or rehabilitation of those who are seriously mentally
7 disabled shall always be fostered and supported, the department

1 shall continually and diligently endeavor to ensure that adequate
2 and appropriate mental health services are available to all
3 citizens throughout the state. To this end, the department shall
4 have the general powers and duties described in this section.

5 (2) The department shall do all of the following:

6 (a) Direct services to individuals who have a serious mental
7 illness, developmental disability, or serious emotional
8 disturbance. The department shall give priority to the following
9 services:

10 (i) Services for individuals with the most severe forms of
11 serious mental illness, serious emotional disturbance, or
12 developmental disability. **NOT LATER THAN OCTOBER 1, 2011, THE**
13 **DEPARTMENT SHALL DEVELOP STANDARDIZED INSTRUMENTS TO ASSIST IN**
14 **DETERMINING THE SEVERITY OF CLINICAL CONDITIONS FOR INDIVIDUALS**
15 **WITH SERIOUS MENTAL ILLNESS OR SERIOUS EMOTIONAL DISTURBANCE.**

16 (ii) Services for individuals with serious mental illness,
17 serious emotional disturbance, or developmental disability who are
18 in urgent or emergency situations.

19 (b) Administer the provisions of chapter 2 ~~so as to~~ promote
20 and maintain an adequate and appropriate system of community mental
21 health services programs throughout the state. In the
22 administration of chapter 2, ~~it shall be the~~ **DEPARTMENT'S** objective
23 ~~of the department~~ **IS** to shift primary responsibility for the direct
24 delivery of public mental health services from the state to a
25 community mental health services program whenever the community
26 mental health services program has demonstrated a willingness and
27 capacity to provide an adequate and appropriate system of mental

1 health services for the citizens of that service area.

2 (c) Engage in planning for the purpose of identifying,
3 assessing, and enunciating the mental health needs of the state.

4 (d) Submit to the members of the house and senate standing
5 committees and appropriation subcommittees with legislative
6 oversight of mental health matters an annual report summarizing its
7 assessment of the mental health needs of the state and
8 incorporating information received from community mental health
9 services programs under section 226. The report shall include an
10 estimate of the cost of meeting all identified needs. Additional
11 information shall be made available to the legislature upon
12 request.

13 (e) Endeavor to develop and establish arrangements and
14 procedures for the effective coordination and integration of all
15 public mental health services, and for effective cooperation
16 between public and nonpublic services, for the purpose of providing
17 a unified system of statewide mental health care.

18 (f) Review and evaluate the relevance, quality, effectiveness,
19 and efficiency of mental health services being provided by the
20 department and assure the review and evaluation of mental health
21 services provided by community mental health services programs. The
22 department shall establish and implement a structured system to
23 provide data necessary for the reviews and evaluations.

24 (g) Implement those provisions of law under which it is
25 responsible for the licensing or certification of mental health
26 facilities or services.

27 (h) Establish standards of training and experience for

1 executive directors of community mental health services programs.

2 (i) Support research activities.

3 (j) Support evaluation and quality improvement activities.

4 (k) Support training, consultation, and technical assistance
5 regarding mental health programs and services and appropriate
6 prevention and mental health promotion activities, including those
7 that are culturally sensitive, to employees of the department,
8 community mental health services programs, and other nonprofit
9 agencies providing mental health services under contract with
10 community mental health services programs.

11 (l) Support multicultural services.

12 (3) The department may do all of the following:

13 (a) Direct services to individuals who have mental disorders
14 that meet diagnostic criteria specified in the most recent
15 diagnostic and statistical manual of mental health disorders
16 published by the American psychiatric association and approved by
17 the department and to the prevention of mental disability and the
18 promotion of mental health. Resources that have been specifically
19 appropriated for services to individuals with dementia, alcoholism,
20 or substance abuse, or for the prevention of mental disability and
21 the promotion of mental health shall be utilized for those specific
22 purposes.

23 (b) Provide, on a residential or nonresidential basis, any
24 type of patient or client service including but not limited to
25 prevention, diagnosis, treatment, care, education, training, and
26 rehabilitation.

27 (c) Operate mental health programs or facilities directly or

1 through contractual arrangement.

2 (d) Institute pilot projects considered appropriate by the
3 director to test new models and concepts in service delivery or
4 mental health administration. Pilot projects may include, but need
5 not be limited to, both of the following:

6 (i) Issuance of a voucher to a recipient of public mental
7 health services in accordance with the recipient's individual plan
8 of services and guidelines developed by the department.

9 (ii) Establishment of revolving loans to assist recipients of
10 public mental health services to acquire or maintain affordable
11 housing. Funding under this subparagraph shall only be provided
12 through an agreement with a nonprofit fiduciary in accordance with
13 guidelines and procedures developed by the department related to
14 the use, issuance, and accountability of revolving loans used for
15 recipient housing.

16 (e) Enter into an agreement, contract, or arrangement with any
17 individual or public or nonpublic entity that is necessary or
18 appropriate to fulfill those duties or exercise those powers that
19 have by statute been given to the department.

20 (f) Accept gifts, grants, bequests, and other donations for
21 use in performing its functions. Any money or property accepted
22 shall be used as directed by its donor and in accordance with law
23 and the rules and procedures of the department.

24 (g) The department has any other power necessary or
25 appropriate to fulfill those duties and exercise those powers that
26 have been given to the department by law and that are not otherwise
27 prohibited by law.

1 Sec. 208. (1) Services provided by a community mental health
2 services program shall be directed to individuals who have a
3 serious mental illness, serious emotional disturbance, or
4 developmental disability.

5 (2) Services may be directed to individuals who have other
6 mental disorders that meet criteria specified in the most recent
7 diagnostic and statistical manual of mental health disorders
8 published by the American psychiatric association and may also be
9 directed to the prevention of mental disability and the promotion
10 of mental health. Resources that have been specifically designated
11 to community mental health services programs for services to
12 individuals with dementia, alcoholism, or substance abuse or for
13 the prevention of mental disability and the promotion of mental
14 health shall be utilized for those specific purposes.

15 (3) ~~Priority shall be given to the provision of services to~~
16 ~~individuals~~ **FOR PROVIDING SERVICES SHALL BE GIVEN TO BOTH OF THE**
17 **FOLLOWING:**

18 **(A) INDIVIDUALS** with the most severe forms of serious mental
19 illness, serious emotional disturbance, and developmental
20 disability. ~~Priority shall also be given to the provision of~~
21 ~~services to individuals~~ **THE LEVEL OF FUNCTIONAL IMPAIRMENT FOR**
22 **INDIVIDUALS WITH A SERIOUS MENTAL ILLNESS OR SERIOUS EMOTIONAL**
23 **DISTURBANCE SHALL BE DETERMINED BASED ON A DEPARTMENT-APPROVED**
24 **INSTRUMENT FOR MEASURING THE SEVERITY OF THEIR IMPAIRMENT.**

25 **(B) INDIVIDUALS** with a serious mental illness, serious
26 emotional disturbance, or developmental disability **WHO ARE** in
27 urgent or emergency situations.

1 (4) An individual shall not be denied a service because an
2 individual who is financially liable is unable to pay for the
3 service.