

HOUSE BILL No. 5619

February 21, 2018, Introduced by Rep. Kosowski 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
2012 PA 500.

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~~ **HAS** 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 **ANY OF** the
9 following: ~~services:~~

10 (i) **SERVICES FOR INDIVIDUALS WITH A DIAGNOSIS OF**
11 **SCHIZOPHRENIA, SCHIZOAFFECTIVE DISORDER, BIPOLAR DISORDER, MAJOR**
12 **DEPRESSION, OBSESSIVE COMPULSIVE DISORDER, DELUSIONAL DISORDER,**
13 **PSYCHOTIC DISORDER NOT ATTRIBUTABLE TO GENERAL MEDICAL CONDITION,**
14 **OR BORDERLINE PERSONALITY DISORDER, INCLUDING ANY OF THE PRECEDING**
15 **CO-OCCURRING WITH SUBSTANCE USE DISORDER.**

16 (ii) **SERVICES FOR INDIVIDUALS WITH A SERIOUS MENTAL ILLNESS OR**
17 **SERIOUS EMOTIONAL DISTURBANCE WHOSE LEVEL OF FUNCTIONING IS**
18 **DETERMINED TO BE SEVERELY IMPAIRED BASED ON A DEPARTMENT-APPROVED**
19 **INSTRUMENT FOR MEASURING SEVERITY OF CONDITION.**

20 (iii) ~~(i)~~ ~~Services for individuals with the most severe forms~~
21 ~~of serious mental illness, serious emotional disturbance, or~~
22 ~~developmental disability.~~

23 (iv) ~~(ii)~~ ~~Services for individuals with serious mental~~
24 ~~illness, serious emotional disturbance, or developmental disability~~
25 ~~who are in urgent or emergency situations.~~

26 (v) **SERVICES FOR CHILDREN WHO REQUIRE ANY LEVEL OF MENTAL**
27 **HEALTH TREATMENT AND WHO ARE PLACED BY THE DEPARTMENT INTO**

1 RESIDENTIAL FOSTER CARE. AS USED IN THIS SUBDIVISION, "RESIDENTIAL
2 FOSTER CARE" MEANS A CHILD CARING INSTITUTION OR A PRIVATE HOME AS
3 THOSE TERMS ARE DEFINED IN SECTION 1 OF 1973 PA 116, MCL 722.111.

4 (b) Administer the provisions of chapter 2 so as to promote
5 and maintain an adequate and appropriate system of community mental
6 health services programs throughout the state. In the
7 administration of chapter 2, ~~it shall be the~~ **DEPARTMENT'S** objective
8 ~~of the department~~ **IS** to shift primary responsibility for the direct
9 delivery of public mental health services from the state to a
10 community mental health services program whenever the community
11 mental health services program has demonstrated a willingness and
12 capacity to provide an adequate and appropriate system of mental
13 health services for the citizens of that service area.

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

16 (d) Submit to the members of the house and senate standing
17 committees and appropriation subcommittees with legislative
18 oversight of mental health matters an annual report summarizing its
19 assessment of the mental health needs of the state and
20 incorporating information received from community mental health
21 services programs under section 226. The report ~~shall~~ **MUST** include
22 an estimate of the cost of meeting all identified needs. Additional
23 information ~~shall~~ **MUST** be made available to the legislature upon
24 request.

25 (e) Endeavor to develop and establish arrangements and
26 procedures for the effective coordination and integration of all
27 public mental health services, and for effective cooperation

1 between public and nonpublic services, for the purpose of providing
2 a unified system of statewide mental health care.

3 (f) Review and evaluate the relevance, quality, effectiveness,
4 and efficiency of mental health services being provided by the
5 department and ~~assure~~**ENSURE** the review and evaluation of mental
6 health services provided by community mental health services
7 programs. The department shall establish and implement a structured
8 system to provide data necessary for the reviews and evaluations.

9 (g) Implement those provisions of law under which it is
10 responsible for the licensing or certification of mental health
11 facilities or services.

12 (h) Establish standards of training and experience for
13 executive directors of community mental health services programs.

14 (i) Support research activities.

15 (j) Support evaluation and quality improvement activities.

16 (k) Support training, consultation, and technical assistance
17 regarding mental health programs and services and appropriate
18 prevention and mental health promotion activities, including those
19 that are culturally sensitive, to employees of the department,
20 community mental health services programs, and other nonprofit
21 agencies providing mental health services under contract with
22 community mental health services programs.

23 (l) Support multicultural services.

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

25 (a) Direct services to individuals who have mental disorders
26 that meet diagnostic criteria specified in the most recent
27 diagnostic and statistical manual of mental health disorders

published by the American ~~psychiatric association~~ **PSYCHIATRIC ASSOCIATION** and approved by the department and to the prevention of mental disability and the promotion of mental health. Resources that have been specifically appropriated for services to individuals with dementia, alcoholism, or substance ~~abuse~~, **USE DISORDER**, or for the prevention of mental disability and the promotion of mental health shall be utilized for those specific purposes.

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

(c) Operate mental health programs or facilities directly or through contractual arrangement.

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

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

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

1 recipient housing.

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

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

10 (g) The department has any other power necessary or
11 appropriate to fulfill those duties and exercise those powers that
12 have been given to the department by law and that are not otherwise
13 prohibited by law.

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

18 (2) Services may be directed to individuals who have other
19 mental disorders that meet criteria specified in the most recent
20 diagnostic and statistical manual of mental health disorders
21 published by the American ~~psychiatric association~~ **PSYCHIATRIC**
22 **ASSOCIATION** and may also be directed to the prevention of mental
23 disability and the promotion of mental health. Resources that have
24 been specifically designated to community mental health services
25 programs for services to individuals with dementia, alcoholism, or
26 substance use disorder or for the prevention of mental disability
27 and the promotion of mental health ~~shall~~ **MUST** be utilized for those

specific purposes.

(3) Priority shall be given ~~to the provision of~~ **FOR PROVIDING** services to individuals **IN ANY OF THE FOLLOWING CATEGORIES:**

(A) INDIVIDUALS WITH A DIAGNOSIS OF SCHIZOPHRENIA, SCHIZOAFFECTIVE DISORDER, BIPOLAR DISORDER, MAJOR DEPRESSION, OBSESSIVE COMPULSIVE DISORDER, DELUSIONAL DISORDER, PSYCHOTIC DISORDER NOT ATTRIBUTABLE TO GENERAL MEDICAL CONDITION, OR BORDERLINE PERSONALITY DISORDER, INCLUDING ANY OF THE PRECEDING CO-OCCURRING WITH SUBSTANCE USE DISORDER.

(B) INDIVIDUALS WITH A SERIOUS MENTAL ILLNESS OR SERIOUS EMOTIONAL DISTURBANCE WHOSE LEVEL OF FUNCTIONING IS DETERMINED TO BE SEVERELY IMPAIRED BASED ON A DEPARTMENT-APPROVED INSTRUMENT FOR MEASURING SEVERITY OF CONDITION.

(C) INDIVIDUALS ~~with the most severe forms of serious mental illness, serious emotional disturbance, and developmental disability. Priority shall also be given to the provision of services to individuals~~

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

(E) CHILDREN WHO REQUIRE ANY LEVEL OF MENTAL HEALTH TREATMENT AND WHO ARE PLACED BY THE DEPARTMENT INTO RESIDENTIAL FOSTER CARE. AS USED IN THIS SUBDIVISION, "RESIDENTIAL FOSTER CARE" MEANS A CHILD CARING INSTITUTION OR A PRIVATE HOME AS THOSE TERMS ARE DEFINED IN SECTION 1 OF 1973 PA 116, MCL 722.111.

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

1 service.

2 Enacting section 1. This amendatory act takes effect 90 days
3 after the date it is enacted into law.