

REPORTING AND INVESTIGATION OF DEATHS

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Senate Bill 813 as referred to second House committee

Sponsor: Sen. Jim Ananich

1st House Committee: Health Policy

2nd House Committee: Ways and Means

Senate Committee: Health Policy and Human Services

Complete to 12-15-20

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

Senate Bill 813 would amend the Mental Health Code to require additional reporting on deaths occurring soon after discharge from certain psychiatric facilities.

Currently, the code requires *the department* to provide an annual statistical report to the legislature that summarizes all deaths and causes of death, if known, of mental health recipients that have been reported to the department and all deaths that have occurred in state facilities.

The bill would also require the department to include deaths that occurred within 48 hours after discharge from a state facility.

Additionally, the department would have to indicate in the report whether it has initiated an investigation or is in the process of an investigation as required below and, if known, the findings of the investigation.

The bill would also require the department to investigate all deaths reported by a psychiatric hospital or psychiatric unit that are the result of a suicide or where the cause of death is reported as unknown.

Note: Generally in the Mental Health Code, *the department* is the Michigan Department of Health and Human Services (DHHS) unless another state department is specified. While no such department is specified in section 1720, the yearly Statistical Report of Psychiatric Inpatient Deaths is prepared by the Bureau of Community and Health Systems, which is housed in the Department of Licensing and Regulatory Affairs (LARA)¹. The report does not include data from state-operated hospitals, as that data is available from DHHS. It is anticipated this sharing of responsibilities would continue under the bill.

MCL 330.1720 and proposed MCL 330.1721

¹ The Bureau was transferred from the Department of Community Health (which was combined with the Department of Human Services to form DHHS in 2015) to LARA in 2011:
<http://legislature.mi.gov/documents/2011-2012/executiveorder/pdf/2011-EO-04.pdf>
https://www.house.mi.gov/hfa/PDF/Revenue_Forecast/ExecOrder2011_4_Memo_LARA.pdf

BRIEF DISCUSSION:

The Michigan Health Association in Michigan submitted written testimony to the Senate Health and Human Services committee indicating general support, especially for the reporting and investigation of deaths that occur in psychiatric hospitals and psychiatric units, or that occur within 48 hours of discharge. MHAM recommended that the bill also include sanctions for failure to report or investigate deaths that occur at inpatient psychiatric facilities and require reporting on patients' medical history, diagnoses, medications, and the use of seclusion or restraint, among other data not currently included in the reporting form.

No one testified on the bill in the House Health Policy committee, and it was referred to the Ways and Means committee unanimously.

FISCAL IMPACT:

Senate Bill 813 could increase state costs to the degree in which the bill increases the number of deaths the state would investigate. Presently, the Bureau of Community and Health Systems in LARA provides the statistical reporting for non-state-operated psychiatric hospitals and centers, and DHHS maintains that data for state-operated psychiatric hospitals and centers. It is unclear whether the investigations would be bifurcated as well. Regardless, the scope of the state fiscal impact is likely minimal, as the calendar year 2019 report from LARA notes a total of 12 deaths, with two from suicide and five unknown.² The additional reporting elements to the annual statistical report would have no fiscal impact on the state. The bill would not have a fiscal impact on local units of government.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.

² https://www.michigan.gov/documents/lara/LARA-BCHS_Inpatient_Psychiatric_Death_Report_2019_679967_7.pdf