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House Bill 4051 (Substitute H-2 as passed by the House)

Sponsor: Representative Mary Whiteford

House Committee: Health Policy

Ways and Means

Senate Committee: Health Policy and Human Services

Date Completed: 9-5-19

### **CONTENT**

**The bill would amend the Mental Health Code to do the following:**

- **Require the Department of Health and Human Services (DHHS) to establish and make available to the public the Michigan CARES (Community, Access, Resources, Education, and Safety) Hotline.**
- **Require the Department to contract for the design, operation, and maintenance of the Hotline.**
- **Require the individual operating or maintaining the Hotline to meet certain criteria related to the implementation of the Hotline.**
- **Grant certain immunity from tort liability to an individual operating or maintain the Hotline under contract with the DHHS.**

The bill would take effect 90 days after its enactment.

Under the bill, subject to appropriation, the DHHS would have to establish and make available to the public the Michigan CARES Hotline, which would have to be available 24 hours a day, 7 days a week.

The Department would have to contract for the design, operation, and maintenance of the Hotline. An individual operating or maintaining the Hotline would have to do all of the following:

- Be able to access information related to the availability of services, including near real-time access to any registry of available inpatient psychiatric beds.
- Refer and connect individuals requiring mental health or substance use disorder services to mental health professional, using telecommunications and digital communications methods commonly in use, such as a telephone call, text, electronic email, and internet chat.
- Implement practices to comply with all applicable laws respecting individual and patient privacy.
- Implement practices to ensure the security of the data collected, in line with industry best practices and in compliance with all applicable laws.
- Notwithstanding the implementation provisions above, collect data and use data analytics to track the success of the Hotline's operations and identify trends in service needs and outcomes.

The DHHS would have to work with the Department of Licensing and Regulatory Affairs and the contractor to leverage existing databases and other sources of information identifying mental health professionals providing mental health services, providers of substance use disorder treatment, and rehabilitation services to utilize the most current provider information available.

An individual operating or maintaining the Hotline under contract with the Department of Health and Human Services would have the same immunity provided for a governmental employee under Section 7 of the government immunity law.

(Section 7 of the law provides that, except as otherwise provided, each officer and employee of a governmental agency, each volunteer acting on behalf of a governmental agency, and each member of a board, council, commission, or statutorily created task force of a governmental agency is immune from tort liability for an injury to a person or damage to property caused by that individual while in the course of employment or service if: a) he or she is acting or reasonably believes that he or she is acting within the scope of his or her authority, b) the agency is engaged in the exercise or discharge of a governmental function, and c) the individual's conduct does not amount to gross negligence that is the proximate cause of the injury or damage.)

Proposed MCL 330.1165

Legislative Analyst: Tyler VanHuyse

### **FISCAL IMPACT**

The bill would have a negative fiscal impact on the DHHS and no impact on local units of government. The DHHS estimates that the operation of a mental health hotline would increase costs for the Department by \$1.0 million to \$2.5 million annually.

Public Act 618 of 2018 included \$3.0 million for the development, operation, and maintenance of a pilot version of the Michigan CARES hotline within three geographically diverse areas.

Fiscal Analyst: Ellyn Ackerman

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.