

# HOUSE BILL NO. 4045

January 27, 2021, Introduced by Rep. Whiteford and referred to the Committee on Judiciary.

A bill to amend 1953 PA 232, entitled  
"Corrections code of 1953,"  
(MCL 791.201 to 791.285) by adding section 34e.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 34e. (1) Subject to this section, the department shall  
2       create a prerelease mental health discharge plan for each prisoner  
3       who is receiving mental health services or mental health  
4       prescription medication before he or she is released on parole. The  
5       department may seek consultative assistance from the department of

1 health and human services, or the department of health and human  
2 services' designated federally certified community behavioral  
3 health center or contract agency, in creating a prerelease mental  
4 health discharge plan under this subsection.

5 (2) If a prisoner refuses discharge planning under subsection  
6 (1), the department must note that discharge planning was declined  
7 by the prisoner in the record the department maintains for the  
8 prisoner.

9 (3) A prerelease mental health discharge plan developed under  
10 subsection (1) must include all of the following regarding the  
11 prisoner:

12 (a) Authorization to release treatment services information to  
13 the mental health discharge plan team before discharge, signed by  
14 the prisoner and any guardian of the prisoner.

15 (b) A mental health assessment that includes the use of the  
16 following items:

17 (i) Patient Health Questionnaire-9.

18 (ii) Generalized Anxiety Disorder 7-Item Scale.

19 (iii) Patient Health Questionnaire-2.

20 (iv) Opioid Risk Tool.

21 (v) Current diagnosis, prognosis, and medication, as indicated  
22 on the clinical record of the prisoner.

23 (c) Identification of risk factors related to job training,  
24 work skills, history of violence, transportation, housing, and  
25 family stress.

26 (d) An appointment scheduled after release with a mental  
27 health professional who is capable of providing postrelease mental  
28 health prescription medication and other mental health services.

29 (e) If the prisoner is receiving mental health prescription

1 medication at the time of discharge planning, steps that will  
2 provide the prisoner access to the mental health prescription  
3 medication between his or her release and the appointment described  
4 under subdivision (d).

5 (f) An assessment of whether the prisoner is eligible upon  
6 release for enrollment in Medicaid or Medicare under state or  
7 federal regulations governing eligibility and enrollment. If the  
8 prisoner is eligible, he or she must be provided with information  
9 on enrollment.

10 (g) Goals and activities that address the needs and barriers  
11 identified under subdivisions (b) to (f).

12 (h) A list of care team members that will support the prisoner  
13 as he or she transitions out of prison, including community health  
14 or social program providers.

15 (i) Input from the prisoner and a communication plan for the  
16 duration of parole.

17 (4) The department of health and human services shall take  
18 reasonable steps to assist the department if the department  
19 requests assistance with prerelease mental health discharge  
20 planning under this section. Upon request from the department,  
21 community-based mental health services must be provided by the  
22 department of health and human services throughout the period of  
23 parole.

24 (5) The department may use a care management software program  
25 to design the prerelease mental health discharge plan required  
26 under this section if the program meets all of the following  
27 requirements:

28 (a) Is built as a software as a service (SaaS) and hosted on a  
29 cloud that complies with the health insurance portability and

1 accountability act of 1996, Public Law 104-191.

2 (b) Uses natural language processing services to parse the  
3 case notes regarding a prisoner and to provide insights into new  
4 assessments, barriers, and risks that the care manager and care  
5 team should address and re-evaluate using the assessment tools  
6 described under subsection (3)(b).

7 (c) Contains the assessment tools identified under subsection  
8 (3)(b) and a method to assess the factors under subsection (3)(c).

9 (d) Provides the associated application programming interfaces  
10 (APIs) to send demographic data to and receive eligibility status  
11 from this state's integrated eligibility system.

12 (e) Uses 2-factor authentication for the authentication of all  
13 care team members.

14 (f) Is completely managed through configuration.

15 (g) Delivers a holistic summary of the goals and activities  
16 identified under subsection (3)(g) and the touchpoints between care  
17 team members and the prisoner.

18 (6) Subject to federal and state confidentiality laws, the  
19 department of health and human services shall allow the sharing of  
20 information described in this section between the department and  
21 the state-designated entity for health information exchange in  
22 order to close gaps in the coordination of mental health services  
23 for individuals after release from prison.

24 (7) The state-designated entity for health information  
25 exchange under subsection (6) must be a covered entity or business  
26 associate under the health insurance portability and accountability  
27 act of 1996, Public Law 104-191.

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