

WRITTEN NOTICE OF RIGHTS FOR ADULTS RECEIVING MENTAL HEALTH TREATMENT AS VOLUNTARY PATIENT

Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 4219 as introduced
Sponsor: Rep. Jamie Thompson
Committee: Health Policy
Complete to 5-20-25

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

SUMMARY:

House Bill 4219 would amend Chapter 4 of the Mental Health Code to amend requirements related to patient rights notifications for adults (age 18 or older) who have executed a written consent for mental health treatment as a voluntary patient (this also includes adults for whom a written consent was executed by a guardian or patient advocate authorized to do so).¹ The bill would newly require that patients be provided a written copy of their rights, that this include the right to end treatment and the process for doing so, and that patients be given a copy of the form used by a patient to end treatment.

Currently, at the start of the treatment, the patient's rights during treatment must be communicated orally to the patient and to the individual who executed the written consent. This communication must state that the patient's rights include the right to object to the treatment.

At the same time, a copy of the written consent must be given to the patient, the individual who executed the written consent, and one other individual designated by the patient.

Under the bill, the patient's rights during treatment would have to be communicated *in writing* (as well as orally) to the patient and to the individual who executed the written consent. In addition to stating that the patient's rights include the right to object to the treatment, this communication would also have to state that they include the right to end voluntary mental health treatment and describe the process by which the patient can do so.

In addition to a copy of the written consent, the patient, the individual who executed the written consent, and one other individual designated by the patient would have to be given a copy of the form that a hospital or provider of mental health treatment must, under other provisions of the code,² promptly provide when a patient (or guardian or patient advocate with appropriate authorization) gives written notice of an intention to terminate the patient's mental health treatment.

MCL 330.1100d and 330.1756

¹ Although they apply only to individuals who are 18 or older, the provisions of Chapter 4 that relate to formal voluntary admission (sections 415 to 422 of the code) appear under the title heading "Formal Voluntary Admission (*Includes Admission of Minors through Application of Parent or Guardian*)" (italics added). When the code was enacted in 1974, those sections did include provisions related to the admission of minors. However, these provisions were removed in 1984, when a new Chapter 4A was added to specifically address minors. The heading for sections 415 to 422, which as part of the code can be changed only by legislative action, was not also amended at that time.

² See <https://www.legislature.mi.gov/Laws/MCL?objectName=mcl-330-1419>

FISCAL IMPACT:

House Bill 4219 would have a negligible fiscal impact on the state and local units of government.

Legislative Analyst: Rick Yuille
Fiscal Analyst: Kevin Koorstra

■ 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.