

**SUBSTITUTE FOR
HOUSE BILL NO. 4218**

A bill to amend 1974 PA 258, entitled
"Mental health code,"
by amending sections 100d and 756 (MCL 330.1100d and 330.1756),
section 100d as amended by 2022 PA 214 and section 756 as added by
1995 PA 290.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 100d. (1) "Security transport officer" means an officer
2 employed by a private security company under contract with a county
3 under section 170.

4 (2) "Service" means a mental health service or a substance use
5 disorder service.

6 (3) "Serious emotional disturbance" means a diagnosable
7 mental, behavioral, or emotional disorder affecting a minor that

exists or has existed during the past year for a period of time sufficient to meet **the** diagnostic criteria specified in the most recent Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association and approved by the department, and that has resulted in **a** functional impairment that substantially interferes with or limits the minor's role or functioning in family, school, or community activities. The following disorders are included only if they occur in conjunction with another diagnosable serious emotional disturbance:

(a) A substance use disorder.

(b) A developmental disorder.

(c) "V" codes in the Diagnostic and Statistical Manual of Mental Disorders.

(4) "Serious mental illness" means a diagnosable mental, behavioral, or emotional disorder affecting an adult that exists or has existed within the past year for a period of time sufficient to meet **the** diagnostic criteria specified in the most recent Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association and approved by the department, and that has resulted in **a** functional impairment that substantially interferes with or limits 1 or more major life activities. Serious mental illness includes dementia with delusions, dementia with depressed mood, and dementia with behavioral disturbance. Serious mental illness does not include any other dementia unless the dementia occurs in conjunction with another diagnosable serious mental illness. The following disorders also are included only if they occur in conjunction with another diagnosable serious mental illness:

(a) A substance use disorder.

(b) A developmental disorder.

(c) A "V" code in the Diagnostic and Statistical Manual of Mental Disorders.

(5) "Special compensation" means payment to an adult foster care facility to ensure the provision of a specialized program in addition to the basic payment for adult foster care. Special compensation does not include payment received directly from the Medicaid program for personal care services for a resident, or payment received under the supplemental security income program.

(6) "Specialized program" means a program of services, supports, or treatment that are provided in an adult foster care facility to meet the unique programmatic needs of individuals with serious mental illness or developmental disability as set forth in ~~the~~^a resident's individual plan of services and for which the adult foster care facility receives special compensation.

(7) "Specialized residential service" means a combination of residential care and mental health services that are expressly designed to provide rehabilitation and therapy to a recipient, that are provided in the recipient's residence, and that are part of a comprehensive individual plan of services.

(8) "State administered funds" means revenues appropriated by the legislature exclusively for the purposes provided for in regard to substance use disorder services and prevention.

(9) "State facility" means a center or ~~a hospital. operated by the department.~~

(10) "State recipient rights advisory committee" means ~~a the committee appointed by the director under section 756 to advise~~ **that advises** the director and the director of the ~~department's~~ **state** office of recipient rights.

1 (11) "Substance abuse" means the ~~taking~~**use** of alcohol or
2 other drugs at dosages that place an individual's social, economic,
3 psychological, and physical welfare in ~~potential hazard~~**danger** or
4 to the extent that an individual loses the power of self-control as
5 a result of the use of alcohol or drugs, or while habitually under
6 the influence of alcohol or drugs, endangers public health, morals,
7 safety, or welfare, or a combination thereof.

8 (12) "Substance use disorder" means **a** chronic disorder in
9 which **the** repeated use of alcohol, drugs, or both, results in
10 significant and adverse consequences. Substance use disorder
11 includes substance abuse.

12 (13) "Substance use disorder prevention services" means
13 services that are intended to reduce the consequences of substance
14 use disorders in communities by preventing or delaying the onset of
15 substance abuse and that are intended to reduce the progression of
16 substance use disorders in individuals. Substance use disorder
17 prevention is an ordered set of steps that promotes individual,
18 family, and community health, prevents mental and behavioral
19 disorders, supports resilience and recovery, and reinforces
20 treatment principles to prevent relapse.

21 (14) "Substance use disorder treatment and rehabilitation
22 services" means providing identifiable recovery-oriented services
23 including the following:

24 (a) Early intervention and crisis intervention counseling
25 services for individuals ~~who are current or former individuals with~~
26 **a current or former** substance use disorder.

27 (b) Referral services for individuals with **a** substance use
28 disorder, ~~their~~**the individuals'** families, and the general public.

29 (c) Planned treatment services, including chemotherapy,

1 counseling, or rehabilitation for individuals **who are**
 2 physiologically or psychologically dependent ~~upon~~**on** or abusing
 3 alcohol or drugs.

4 (15) "Supplemental security income" means the program
 5 authorized under title XVI of the social security act, 42 USC 1381
 6 to 1383f.

7 (16) "Telemedicine" means the use of ~~an~~ electronic media to
 8 link patients with health care professionals in different
 9 locations. To be considered telemedicine under this ~~section,~~
 10 **subsection**, the health care professional must be able to examine
 11 the patient via a health insurance portability and accountability
 12 act of 1996, Public Law 104-191 compliant, secure interactive audio
 13 or video, or both, telecommunications system, or through the use of
 14 store and forward online messaging.

15 (17) "Transfer facility" means a facility selected by ~~the~~**a**
 16 department-designated community mental health entity ~~, which~~
 17 ~~facility~~**that** is physically located in a jail or lockup and is
 18 staffed by at least 1 designated representative when in use
 19 according to chapter 2A.

20 (18) "Transition services" means a coordinated set of
 21 activities for a special education student designed within an
 22 outcome-oriented process that promotes movement from school to
 23 postschool activities, including postsecondary education,
 24 vocational training, integrated employment including supported
 25 employment, continuing and adult education, adult services,
 26 independent living, ~~or~~**and** community participation.

27 (19) "Treatment" means care, diagnostic ~~,~~**and** therapeutic
 28 services, including **the** administration of drugs, and any other
 29 service for treatment of an individual's serious mental illness,

1 serious emotional disturbance, or substance use disorder.

2 (20) "Urgent situation" means a situation in which an
3 individual is determined to be at risk of experiencing an emergency
4 situation in the near future if ~~he or she~~ **the individual** does not
5 receive care, treatment, or support services.

6 (21) "Wraparound services" means an individually designed set
7 of services provided to ~~minors~~ **a minor** with serious emotional
8 disturbance ~~or serious mental illness and their families~~ **and the**
9 **minor's family** that includes treatment services and personal
10 support services or any other supports necessary to foster
11 education preparedness, employability, and preservation of the
12 ~~child~~ **minor** in the family home. Wraparound services are to be
13 developed through an interagency collaborative approach. ~~and a~~ **A**
14 minor's parent or guardian and ~~a~~ **the** minor, **if** age 14 or older, ~~are~~
15 ~~to~~ **shall** participate in planning the **wraparound** services.

16 Sec. 756. (1) ~~The~~ **Subject to subsection (2), the** director
17 shall appoint a 12-member state recipient rights advisory
18 committee. ~~The~~ **Subject to subsection (2), the** membership of the
19 **state recipient rights advisory** committee ~~shall~~ **must** be broadly
20 based so as to best represent the varied perspectives of department
21 staff, government officials, attorneys, community mental health
22 services program staff, private providers, recipients, and
23 recipient interest groups. At least 1/3 of the ~~membership~~ **appointed**
24 **members** of the state recipient rights advisory committee ~~shall~~ **must**
25 be primary consumers or family members, and of that 1/3, at least 2
26 ~~shall~~ **must** be primary consumers. In appointing members to the **state**
27 **recipient rights** advisory committee, the director shall consider
28 the recommendations of the director of the state office of
29 recipient rights and ~~individuals who are~~ members of the **state**

1 recipient rights advisory committee.

2 **(2) Beginning on the effective date of the amendatory act that**
 3 **added this sentence, an individual who is employed by, serving**
 4 **under, or otherwise a part of the executive office at the**
 5 **department is prohibited from serving on the state recipient rights**
 6 **advisory committee. If an individual described in this subsection**
 7 **is a member of the state recipient rights advisory committee on the**
 8 **effective date of the amendatory act that added this sentence, by**
 9 **not later than 30 days after the effective date of the amendatory**
 10 **act that added this sentence, the director shall replace that**
 11 **member with a member who meets the criteria for appointment under**
 12 **subsection (1).**

13 **(3) ~~(2)~~**The state recipient rights advisory committee shall do
 14 all of the following:

15 (a) Meet at least quarterly, or more frequently as necessary,
 16 to carry out its responsibilities.

17 (b) Maintain a current list of members' names to be made
 18 available to individuals upon request.

19 (c) Maintain a current list of categories represented, to be
 20 made available to individuals upon request.

21 (d) Protect the state office of recipient rights from
 22 pressures that could interfere with ~~the~~**its** impartial, even-handed,
 23 and thorough performance of its functions.

24 (e) Recommend to the director ~~of the department~~ candidates for
 25 the position of director of the state office of recipient rights
 26 and consult with the director regarding ~~any~~**the** proposed dismissal
 27 of the director of the state office of recipient rights.

28 (f) Serve in an advisory capacity to the director ~~of the~~
 29 ~~department~~ and the director of the state office of recipient

1 rights.

2 (g) Review and provide comments on the report submitted by the
3 state office of recipient rights to the department under section
4 754.

5 (4) ~~(3)~~ Meetings of the state recipient rights advisory
6 committee are subject to the open meetings act, ~~Act No. 267 of the~~
7 ~~Public Acts of 1976, being sections 15.261 to 15.275 of the~~
8 ~~Michigan Compiled Laws. 1976 PA 267, MCL 15.261 to 15.275.~~ Minutes
9 ~~shall~~ **must** be maintained and made available to individuals upon
10 request.