

SENATE BILL NO. 220

April 17, 2025, Introduced by Senators IRWIN, WOJNO, HERTEL and SANTANA and referred to Committee on Health Policy.

A bill to amend 1974 PA 258, entitled
"Mental health code,"
by amending sections 206a and 429 (MCL 330.1206a and 330.1429),
section 206a as added by 2020 PA 55 and section 429 as amended by
2022 PA 214.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 206a. (1) A recipient or ~~his or her~~ **the recipient's**
2 individual representative **or an individual permitted to file a**
3 **petition for treatment under section 434** must be offered an

1 opportunity to request mediation to resolve a dispute between the
 2 recipient, ~~or his or her~~ **the recipient's** individual representative,
 3 **or the individual permitted to file a petition for treatment under**
 4 **section 434** and the community mental health services program or
 5 ~~other service provider under contract with the community mental~~
 6 ~~health services program~~ **its contracted service provider** related to
 7 **the** planning and providing **of the recipient's** services or supports.
 8 ~~to the recipient.~~ **This subsection does not apply to a recipient who**
 9 **is hospitalized.**

10 (2) The community mental health services program or **contracted**
 11 service provider shall ~~provide notice to~~ **notify** a recipient, ~~or his~~
 12 ~~or her~~ **the recipient's** individual representative, **or the individual**
 13 **permitted to file a petition for treatment under section 434** of the
 14 right to request and access mediation at the time services or
 15 supports are initiated and at least annually after. ~~that.~~ When the
 16 community mental health services program's or **its contracted**
 17 service provider's local dispute resolution process, local appeals
 18 process, or state Medicaid fair hearing is requested, notification
 19 of the right to request mediation must also be provided to the
 20 recipient, ~~or his or her~~ **the recipient's** individual representative,
 21 **or the individual permitted to file a petition for treatment under**
 22 **section 434.**

23 (3) The department ~~must~~ **shall** provide funding **for**, and
 24 directly contract with, 1 or more mediation organizations
 25 experienced in coordinating statewide case intake and mediation
 26 service delivery through local community dispute resolution
 27 centers.

28 (4) A mediator must be an individual trained in effective
 29 mediation technique and mediator standard of conduct. A mediator

1 must be knowledgeable in the laws, regulations, and administrative
 2 practices relating to ~~providing the provision of~~ behavioral health
 3 services and supports. The mediator must not be involved ~~in any~~
 4 ~~manner~~ with the dispute or with providing services or supports to
 5 the recipient.

6 (5) ~~The~~ **If mediation is requested, the** community mental health
 7 services program or **contracted** service provider described in
 8 subsection (2) involved in the dispute must participate. ~~in~~
 9 ~~mediation if mediation is requested.~~

10 (6) ~~A request for mediation must be recorded by a mediation~~
 11 ~~organization, and mediation must begin within~~ **no later than** 10
 12 business days after the recording. Mediation does not prevent a
 13 recipient, ~~or his or her~~ **the recipient's** individual representative,
 14 **or the individual permitted to file a petition for treatment under**
 15 **section 434** from using another ~~available~~ dispute resolution option,
 16 including, but not limited to, the community mental health services
 17 program's local dispute resolution process, the local appeals
 18 process, the state Medicaid fair hearing, or filing a recipient
 19 rights complaint. A mediation organization shall ascertain if an
 20 alternative dispute resolution process is ~~currently~~ ongoing and
 21 notify the process administrator of the request for mediation. The
 22 parties may agree to voluntarily suspend other dispute resolution
 23 processes, unless prohibited by law or precluded by a report of an
 24 apparent or suspected violation of rights delineated in chapter 7.

25 (7) Mediation must be completed ~~within~~ **not later than** 30 days
 26 after the date the mediation was recorded unless the parties agree
 27 in writing to extend the mediation period for up to an additional
 28 30 days. The mediation process must not exceed 60 days.

29 (8) If the dispute is resolved through the mediation process,

1 the mediator shall prepare a legally binding document ~~that includes~~
 2 **outlining** the terms of the agreement. ~~The document must be signed~~
 3 ~~by the~~ **The recipient, or the recipient's** individual representative,
 4 **or the individual permitted to file a petition for treatment under**
 5 **section 434** and ~~a party with the authority~~ **an individual authorized**
 6 to bind the **community mental health services program or its**
 7 **contracted** service provider ~~according to the terms of the agreement~~
 8 **shall both sign the document.** The mediator ~~must~~ **shall** provide a
 9 copy of the signed document to ~~all parties within~~ **each party not**
 10 **later than** 10 business days after the end of the mediation process.
 11 The signed document is enforceable in ~~any court~~ **all courts** of
 12 competent jurisdiction in this state.

13 (9) If the dispute is not resolved through the mediation
 14 process, the mediator ~~must~~ **shall** prepare a document ~~that indicates~~
 15 **stating that** the dispute could not be resolved. The mediator shall
 16 provide a copy of the document to ~~all parties within~~ **each party not**
 17 **later than** 10 business days after the end of the mediation process.

18 (10) A contracted mediation organization ~~must~~ **shall** provide a
 19 report with aggregate data and a summary of outcomes to the
 20 department every 6 months, or as the department considers
 21 appropriate, to review and evaluate the effectiveness and
 22 efficiency of mediation in resolving disputes relating to **the**
 23 **community mental health services program's and its contracted**
 24 **service provider's** planning and providing **of** services and supports.
 25 ~~by the community mental health services program and its service~~
 26 ~~providers.~~

27 (11) As used in this section, "recording" means a file that
 28 ~~has been~~ **was** created after a request for mediation ~~has been~~ **was**
 29 made by a recipient, ~~or his or her~~ **the recipient's** individual

1 representative, **or an individual permitted to file a petition for**
 2 **treatment under section 434** or received by a community mental
 3 health services program or ~~other~~ **its contracted** service provider.
 4 ~~under contract with the community mental health services program.~~

5 Sec. 429. (1) A hospital designated under section 422 shall
 6 receive and detain an individual presented for examination under
 7 section 426, 427, **434**, 435, 436, or 438, for not more than 24
 8 hours. ~~During that time the individual must be examined by a~~ **A**
 9 physician or ~~a~~ licensed psychologist **shall examine the individual**
 10 **unless the hospital already received** a clinical certificate. ~~has~~
 11 ~~already been presented to the hospital.~~ If the examining physician
 12 or **licensed** psychologist does not certify that the individual is ~~a~~
 13 ~~person~~ **an individual** requiring treatment, ~~the individual shall be~~
 14 ~~released immediately.~~ **the hospital shall immediately release the**
 15 **individual.** If the examining physician or **licensed** psychologist
 16 executes a clinical certificate, the individual may be hospitalized
 17 under section 423.

18 (2) If a preadmission screening unit ~~provides an examination~~
 19 **examines an individual** under section 409, 410, or 427, the
 20 ~~examination shall be conducted~~ **preadmission screening unit shall**
 21 **examine the individual** as soon as possible after the individual
 22 arrives at the preadmission screening site, and the examination
 23 must be completed ~~within~~ **in** 2 hours, unless there are documented
 24 medical reasons why the examination cannot be completed ~~within~~ **in**
 25 that time frame or **the peace officer or security transport officer**
 26 **and the preadmission screening unit agree on** other arrangements.
 27 ~~are agreed upon by the peace officer or security transport officer~~
 28 ~~and the preadmission screening unit.~~