

SUBSTITUTE FOR
SENATE BILL NO. 222

A bill to amend 1974 PA 258, entitled
"Mental health code,"
by amending section 473 (MCL 330.1473), as amended by 2018 PA 593.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 473. (1) ~~Not~~ **Except as otherwise provided in this**
2 **section, not** less than 14 days before the expiration of an initial,
3 second, or continuing order ~~of~~ **for** involuntary mental health
4 treatment issued under section 472a or section 485a, a hospital
5 director, ~~or an agency, or mental health professional~~ **physician,**
6 **psychologist, or qualified health professional** supervising an
7 individual's assisted outpatient treatment shall file a petition
8 for a second or continuing order ~~of~~ **for** involuntary mental health
9 treatment if the hospital director or supervisor believes the

1 individual continues to be a person requiring treatment and that
 2 the individual is likely to refuse treatment on a voluntary basis
 3 when the order expires. The petition ~~shall~~**must** contain a statement
 4 setting forth the reasons for the ~~hospital director's or~~
 5 ~~supervisor's or their joint~~ determination that the individual
 6 continues to be a person requiring treatment, a statement
 7 describing the treatment program provided to the individual, the
 8 results of that ~~course of treatment~~ **program**, and a clinical
 9 estimate ~~as to~~**of** the time further treatment will be required. The
 10 petition ~~shall~~**must** be accompanied by ~~a~~**both of the following:**

11 (a) A clinical certificate executed by a
 12 ~~psychiatrist.~~**physician, psychologist, or qualified health**
 13 **professional.**

14 (b) Except as otherwise provided in this subdivision, evidence
 15 that the physician, psychologist, or qualified health professional
 16 who executed the clinical certificate under subdivision (a)
 17 examined the individual subject to the petition and discussed the
 18 examination findings and the treatment program for the individual
 19 with a psychiatrist during or immediately after the examination.
 20 This subdivision does not apply to a physician who is a
 21 psychiatrist.

22 (2) Not less than 14 days before the expiration of an initial,
 23 second, or continuing order for assisted outpatient treatment
 24 issued under section 472a, a hospital director, agency, physician,
 25 psychologist, or qualified health professional supervising an
 26 individual's assisted outpatient treatment, or an individual 18
 27 years of age or older, may file a petition for a second or
 28 continuing order for involuntary mental health treatment if the
 29 individual continues to be a person requiring treatment and that

1 the individual is likely to refuse treatment on a voluntary basis
2 when the order expires. The petition must contain a statement
3 setting forth the reason for the determination that the individual
4 continues to be a person requiring treatment, a statement
5 describing the treatment program provided to the individual, the
6 results of that treatment program, and a clinical estimate of the
7 time further treatment will be required. The petition must be
8 accompanied by both of the following:

9 (a) A clinical certificate executed by a physician,
10 psychologist, or qualified health professional.

11 (b) Except as otherwise provided in this subdivision, evidence
12 that the physician, psychologist, or qualified health professional
13 who executed the clinical certificate under subdivision (a)
14 examined the individual subject to the petition and discussed the
15 examination findings and the treatment program for the individual
16 with a psychiatrist during or immediately after the examination.
17 This subdivision does not apply to a physician who is a
18 psychiatrist.

19 (3) If an individual is subject to an order for involuntary
20 mental health treatment issued under section 472a or section 485a,
21 and a petition for a second or continuing order for involuntary
22 health treatment is filed, the current order for involuntary health
23 treatment shall remain in full force and effect until the pending
24 petition is resolved.

25 (4) As used in this section:

26 (a) "Psychiatric nurse practitioner" means an individual who
27 is licensed as a registered professional nurse under part 172 of
28 the public health code, 1978 PA 368, MCL 333.17201 to 333.17242,
29 who has been granted a specialty certification as a nurse

1 practitioner by the Michigan board of nursing under section 17210
2 of the public health code, 1978 PA 368, MCL 333.17210, and who has
3 training in the area of mental health.

4 (b) "Qualified health professional" means a psychiatric nurse
5 practitioner who is acting under the delegation of a psychiatrist
6 under section 16215 of the public health code, 1978 PA 368, MCL
7 333.16215, or a physician's assistant who is acting pursuant to a
8 practice agreement with a psychiatrist under article 15 of the
9 public health code, 1978 PA 368, MCL 333.16101 to 333.18838.