

SENATE BILL NO. 142

March 12, 2025, Introduced by Senators WEBBER and OUTMAN and referred to Committee on Housing and Human Services.

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

1 disorder service.

2 (3) "Serious emotional disturbance" means a diagnosable
3 mental, behavioral, or emotional disorder affecting a minor that
4 exists or has existed during the past year for a period of time
5 sufficient to meet **the** diagnostic criteria specified in the most
6 recent Diagnostic and Statistical Manual of Mental Disorders
7 published by the American Psychiatric Association and approved by
8 the department, and that has resulted in **a** functional impairment
9 that substantially interferes with or limits the minor's role or
10 functioning in family, school, or community activities. The
11 following disorders are included only if they occur in conjunction
12 with another diagnosable serious emotional disturbance:

13 (a) A substance use disorder.

14 (b) A developmental disorder.

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

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

1 also are included only if they occur in conjunction with another
2 diagnosable serious mental illness:

3 (a) A substance use disorder.

4 (b) A developmental disorder.

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

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

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

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

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

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

29 (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.

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

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

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

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

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

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

(c) Planned treatment services, including chemotherapy, counseling, or rehabilitation for individuals **who are** physiologically or psychologically dependent ~~upon~~**on** or abusing alcohol or drugs.

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

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

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

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

(19) "Treatment" means care, diagnostic ~~and~~ therapeutic services, including **the** administration of drugs, and any other service for treatment of an individual's serious mental illness, serious emotional disturbance, or substance use disorder.

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

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

Sec. 756. (1) ~~The~~ **Subject to subsections (2) and (3), the** director shall appoint ~~a 12-member~~ **12 members to a 15-member** state recipient rights advisory committee. ~~The~~ **Subject to subsections (2) and (3), the** membership of the **state recipient rights advisory** committee ~~shall~~ **must** be broadly based so as to best represent the varied perspectives of department staff, government officials, attorneys, community mental health services program staff, private providers, recipients, and recipient interest groups. At least 1/3 of the ~~membership~~ **12 appointed members** of the state recipient rights advisory committee ~~shall~~ **must** be primary consumers or family members, and of that 1/3, at least 2 ~~shall~~ **must** be primary

1 consumers. In appointing members to the **state recipient rights**
2 advisory committee, the director shall consider the recommendations
3 of the director of the state office of recipient rights and
4 ~~individuals who are members of the~~ **state** recipient rights advisory
5 committee.

6 (2) Beginning on the effective date of the amendatory act that
7 added this sentence, in addition to the 12 appointed members
8 described under subsection (1), the director shall appoint the
9 following 3 members to the state recipient rights advisory
10 committee:

11 (a) One individual who represents the interests of Disability
12 Rights Michigan.

13 (b) One individual who represents the interests of the Mental
14 Health Association in Michigan.

15 (c) One individual who represents the interests of Arc
16 Michigan.

17 (3) Beginning on the effective date of the amendatory act that
18 added this sentence, an individual who is employed by, serving
19 under, or otherwise a part of the executive office at the
20 department is prohibited from serving on the state recipient rights
21 advisory committee. If an individual described in this subsection
22 is a member of the state recipient rights advisory committee on the
23 effective date of the amendatory act that added this sentence, by
24 not later than 30 days after the effective date of the amendatory
25 act that added this sentence, the director shall replace that
26 member with a member who meets the criteria for appointment under
27 subsection (1) or (2).

28 (4) ~~(2)~~—The state recipient rights advisory committee shall do
29 all of the following:

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

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

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

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

10 (e) Recommend to the director ~~of the department~~ candidates for
11 the position of director of the state office of recipient rights
12 and consult with the director regarding ~~any~~**the** proposed dismissal
13 of the director of the state office of recipient rights.

14 (f) Serve in an advisory capacity to the director ~~of the~~
15 ~~department~~ and the director of the state office of recipient
16 rights.

17 (g) Review and provide comments on the report submitted by the
18 state office of recipient rights to the department under section
19 754.

20 **(5)** ~~(3)~~ Meetings of the state recipient rights advisory
21 committee are subject to the open meetings act, ~~Act No. 267 of the~~
22 ~~Public Acts of 1976, being sections 15.261 to 15.275 of the~~
23 ~~Michigan Compiled Laws. 1976 PA 267, MCL 15.261 to 15.275.~~ Minutes
24 ~~shall~~**must** be maintained and made available to individuals upon
25 request.