

# SENATE BILL NO. 219

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

A bill to amend 1974 PA 258, entitled "Mental health code," by amending sections 401, 427, 430, 461, 468, 472a, and 475 (MCL 330.1401, 330.1427, 330.1430, 330.1461, 330.1468, 330.1472a, and 330.1475), sections 401, 461, 468, 472a, and 475 as amended by 2018 PA 593, section 427 as amended by 2016 PA 320, and section 430 as amended by 1995 PA 290.

## **THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

- 1       Sec. 401. (1) As used in this chapter, "person requiring  
2       treatment" means ~~(a), (b), or (c)~~ **any of the following individuals:**

(a) An individual who has mental illness ~~, and who as a result~~  
~~because~~ of that mental illness can reasonably be expected ~~within in~~  
the near future to intentionally or unintentionally seriously  
physically injure ~~himself, herself, the individual's self~~ or  
~~another individual, others,~~ and who ~~has engaged in an act or acts~~  
~~or made~~ **engages in 1 or more acts or makes** significant threats that  
are substantially supportive of the expectation.

(b) An individual who has mental illness ~~, and who as a result~~  
~~because~~ of that mental illness is unable to ~~attend to those of his~~  
~~or her~~ **meet the individual's** basic physical needs, such as  
**obtaining** food, clothing, or shelter, that must be ~~attended to in~~  
~~order met~~ for the individual to avoid serious harm in the near  
future, and who ~~has demonstrated~~ **demonstrates** that inability by  
failing to ~~attend to~~ **meet** those basic physical needs.

(c) An individual who has mental illness, whose judgment is so  
impaired by that mental illness, and whose lack of understanding of  
the need for treatment has caused ~~him or her~~ **the individual** to  
demonstrate an unwillingness to voluntarily participate in or  
adhere to **necessary** treatment ~~that is necessary, on the basis of~~  
~~competent clinical opinion,~~ to prevent a relapse or harmful  
deterioration of ~~his or her~~ **the individual's** condition, and  
presents a substantial risk of significant physical or mental harm  
to the ~~individual~~ **individual's self** or others.

(2) An individual whose mental processes ~~have been~~ **are**  
weakened or impaired by ~~a~~ dementia, an individual with a primary  
diagnosis of epilepsy, or an individual with alcoholism or other  
drug dependence is not a person requiring treatment under this  
chapter unless the individual also meets the criteria specified in  
subsection (1). An individual described in this subsection may be

1 hospitalized under the informal or formal voluntary hospitalization  
 2 provisions of this chapter if ~~he or she is considered the hospital~~  
 3 **director considers the individual** clinically suitable for  
 4 hospitalization. ~~by the hospital director.~~

5       Sec. 427. (1) If a peace officer ~~observes an individual~~  
 6 ~~conducting himself or herself in a manner that causes the peace~~  
 7 ~~officer~~ **has reasonable cause** to ~~reasonably believe that the an~~  
 8 individual is a person requiring treatment, the peace officer may  
 9 take the individual into protective custody and transport the  
 10 individual to a preadmission screening unit designated by a  
 11 community mental health services program for examination under  
 12 section 429 or for mental health intervention services. The  
 13 preadmission screening unit shall provide ~~those the~~ mental health  
 14 intervention services that it considers appropriate or shall  
 15 provide an examination under section 429. The preadmission  
 16 screening services may be provided at the site of the preadmission  
 17 screening unit or at a site designated by the preadmission  
 18 screening unit. ~~Upon~~ **On** arrival at the preadmission screening unit  
 19 or site designated by the preadmission screening unit, the peace  
 20 officer shall execute a petition for hospitalization of the  
 21 individual. As soon as practical, the preadmission screening unit  
 22 shall offer to contact an immediate family member of the ~~recipient~~  
 23 **individual** to ~~let~~ **inform** the family ~~know~~ **member** that ~~the recipient~~  
 24 ~~has been taken into the individual is in~~ protective custody and  
 25 where ~~he or she~~ **the individual** is located. The preadmission  
 26 screening unit shall honor the ~~recipient's individual's~~ decision as  
 27 to whether an immediate family member is to be contacted and shall  
 28 document that decision in the ~~recipient's individual's~~ record. In  
 29 the course of providing services, the preadmission screening unit

1 may provide advice and consultation to the peace officer ~~, which~~  
 2 **that** may include a recommendation to release the individual from  
 3 protective custody. In all cases where a peace officer ~~has executed~~  
 4 **executes** a petition, the preadmission screening unit shall ensure  
 5 that ~~an examination is conducted by a~~ physician or licensed  
 6 psychologist **examines the individual**. The preadmission screening  
 7 unit shall ensure **the** provision of follow-up counseling and  
 8 diagnostic and referral services if needed if it is determined  
 9 under section 429 that the ~~person~~ **individual** does not meet the  
 10 requirements for hospitalization.

11 (2) A peace officer is not financially responsible for the  
 12 cost of care of an individual for whom ~~a the~~ peace officer ~~has~~  
 13 ~~executed~~ **executes** a petition under subsection (1).

14 (3) A hospital receiving an individual under subsection (1)  
 15 who ~~has been~~ **is** referred by a community mental health services  
 16 program's preadmission screening unit shall notify that  
 17 **preadmission screening** unit of the results of ~~an the~~ **hospital's**  
 18 examination of ~~that the~~ individual. ~~conducted by the hospital.~~

19 Sec. 430. If a patient is hospitalized under section 423, **a**  
 20 **psychiatrist shall examine** the patient ~~shall be examined by a~~  
 21 ~~psychiatrist~~ as soon after hospitalization as is practicable, but  
 22 not later than 24 hours, excluding legal holidays, after  
 23 hospitalization. The examining psychiatrist ~~shall~~ **must** not be the  
 24 same physician ~~upon~~ **on** whose clinical certificate the patient was  
 25 hospitalized. If the **examining** psychiatrist does not certify that  
 26 the patient is a person requiring treatment, the patient ~~shall~~ **must**  
 27 be released immediately. If the **examining** psychiatrist ~~does~~ **certifies**  
 28 **certifies** that the patient is a person requiring treatment,  
 29 **including a person requiring treatment in the form of**

1 **hospitalization**, the patient's hospitalization may continue pending  
2 hearings convened ~~pursuant to~~ **under** sections 451 to 465. **If the**  
3 **psychiatrist certifies that the patient is a person requiring**  
4 **treatment in the form of assisted outpatient treatment, a referral**  
5 **must be made to the community mental health services program**  
6 **serving the community where the patient resides and hearings may be**  
7 **convened under sections 451 to 465.**

8       Sec. 461. (1) ~~An~~ **For a petition filed under section 434(1) to**  
9 **(6), an** individual may not be found to require treatment unless at  
10 least 1 physician or licensed psychologist who has personally  
11 examined that individual testifies in person or by written  
12 deposition at the hearing.

13       (2) ~~For a petition filed under section 434(7), that does not~~  
14 ~~seek hospitalization before the hearing, an individual may not be~~  
15 ~~found to require treatment unless a psychiatrist who has personally~~  
16 ~~examined that individual testifies. A psychiatrist's testimony is~~  
17 ~~not necessary if a psychiatrist signs the petition. If a~~  
18 ~~psychiatrist signs the petition, at least 1 physician or licensed~~  
19 ~~psychologist who has personally examined that individual must~~  
20 ~~testify. The requirement for testimony may be waived by the subject~~  
21 ~~of the petition. If the testimony given in person is waived, a~~  
22 ~~clinical certificate completed by a physician, licensed~~  
23 ~~psychologist, or psychiatrist must be presented to the court before~~  
24 ~~or at the initial hearing.~~ **an individual may be found to require**  
25 **treatment if both of the following apply:**

26       (a) **Except as otherwise provided in this subdivision, a**  
27 **physician, psychologist, or qualified health professional**  
28 **personally examines the individual and testifies that the**  
29 **individual requires treatment. The subject of the petition may**

1 waive the requirement for testimony.

2 (b) Except as otherwise provided in this subdivision, evidence  
3 is presented that the physician, psychologist, or qualified health  
4 professional who examined the individual under subdivision (a)  
5 discussed their findings and the plan for treatment for the  
6 individual with a psychiatrist during or immediately after the  
7 examination. This subdivision does not apply to a physician who is  
8 a psychiatrist.

9 (3) ~~The examinations required under this section for a~~  
10 ~~petition filed under section 434(7) shall be arranged by the court~~  
11 ~~and the local community mental health services program or other~~  
12 ~~entity as designated by the department shall arrange the~~  
13 **examinations required under this section for a petition filed under**  
14 **section 434(7).**

15 (4) A written deposition may be introduced as evidence at the  
16 hearing only if the ~~attorney for the subject of the petition was~~  
17 ~~given~~ **petition's attorney had** the opportunity to be present during  
18 the ~~taking of the deposition and to cross-examine the deponent.~~  
19 ~~This testimony or deposition may be waived by the~~ **The** subject of a  
20 petition **may waive this testimony or deposition.** ~~An individual~~ **The**  
21 **subject of the petition** may be found to require treatment even if  
22 the petitioner does not testify ~~, as long as if~~ there is **other**  
23 competent evidence from which the relevant criteria in section 401  
24 can be established.

25 (5) 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.

10 Sec. 468. (1) For a petition filed under section 434, if the  
 11 court finds that an individual is not a person requiring treatment,  
 12 the court shall enter a finding to that effect and, if the ~~person~~  
 13 ~~has been~~ **individual is** hospitalized before the hearing, shall order  
 14 that the ~~person~~ **individual** be discharged immediately.

15 (2) For a petition filed under section 434, if **the court finds**  
 16 **that** an individual is ~~found to be~~ a person requiring treatment, the  
 17 court shall do 1 of the following:

18 (a) Order the individual hospitalized in a hospital  
 19 recommended by the community mental health services program or  
 20 other entity as designated by the department.

21 (b) Order the individual hospitalized in a private or ~~veterans~~  
 22 ~~administration~~ **Veterans Administration** hospital at the request of  
 23 the individual or ~~his or her~~ **the individual's** family, if private or  
 24 federal funds ~~are to~~ **will** be utilized and if the hospital agrees.  
 25 If the individual is hospitalized in a private or Veterans  
 26 Administration hospital under this subdivision, ~~any~~ **a** financial  
 27 obligation for the hospitalization ~~shall~~ **must** be satisfied from  
 28 funding sources other than the community mental health services  
 29 program, the department, or other state or county funding.

1 (c) Order the individual to undergo a program of combined  
2 hospitalization and assisted outpatient treatment, as recommended  
3 by the community mental health services program or other entity as  
4 designated by the department.

5 (d) ~~Order~~ **Except as otherwise provided in this subdivision,**  
6 **order** the individual to receive assisted outpatient treatment  
7 through a community mental health services program, or other entity  
8 as designated by the department, capable of providing the necessary  
9 treatment and services to ~~assist~~ **help** the individual ~~to~~ live and  
10 function in the community. ~~as specified in the order. The Subject~~  
11 **to subsections (3) and (6), the community mental health services**  
12 **program or other entity as designated by the department as**  
13 **described in this subdivision shall have the sole discretion to**  
14 **make decisions regarding the assessment, treatment, and discharge**  
15 **of an individual receiving assisted outpatient treatment. This**  
16 **includes the type, scope, frequency, intensity, and duration of the**  
17 **treatment of the individual receiving outpatient treatment. If the**  
18 **community mental health services program or other entity as**  
19 **designated by the department does not communicate with the court**  
20 **regarding the treatment of the individual receiving assisted**  
21 **outpatient treatment, the court shall hold a hearing regarding the**  
22 **treatment provided to the individual receiving assisted outpatient**  
23 **treatment by the community mental health services program or other**  
24 **entity as designated by the department. Except as otherwise**  
25 **provided in this subdivision, the court order** may include a case  
26 management plan and case management services and 1 or more of the  
27 following:

28 (i) Medication.

29 (ii) Blood or urinalysis tests to determine compliance with or



effectiveness of prescribed medication.

(iii) Individual or group therapy, or both.

(iv) Day or partial day programs.

(v) Educational or vocational training.

(vi) Supervised living.

(vii) Assertive community treatment team services.

(viii) Substance use disorder treatment.

(ix) Substance use disorder testing for individuals with a history of alcohol or substance use and for whom ~~that~~ **the** testing is necessary to assist the court in ordering treatment designed to prevent deterioration. A court order for substance use testing is subject to **a** review hearing once every 180 days.

(x) ~~Any other~~ **Other** services ~~prescribed~~ to treat the individual's mental illness and either ~~to assist~~ **help** the individual ~~in living and functioning~~ **live and function** in the community or ~~to help~~ prevent a relapse or deterioration that may reasonably be predicted to result in suicide or the need for hospitalization.

(3) In developing an assisted outpatient treatment plan, a psychiatrist shall supervise the preparation and implementation of the assisted outpatient treatment plan. The assisted outpatient treatment plan ~~shall~~ **must** be completed ~~within~~ **not later than** 30 days after entry of the court's order ~~of~~ **for** assisted outpatient treatment and a ~~copy shall~~ **certificate of completion of the assisted outpatient treatment plan must** be forwarded to the probate court for filing ~~within~~ **not later than** 3 days after completion of the plan to be maintained in the court file.

(4) In developing an **order for** assisted outpatient treatment, ~~order,~~ the court shall consider ~~any~~ **a** preference or medication

1 experience reported by the individual or ~~his or her~~ **the**  
 2 **individual's** designated representative, whether ~~or not~~ the  
 3 individual has an existing individual plan of services under  
 4 section 712, and ~~any direction included in a~~ **directions included in**  
 5 **an existing** durable power of attorney or advance directive. ~~that~~  
 6 ~~exists.~~

7 (5) Before an order ~~of~~ **for** assisted outpatient treatment  
 8 expires, if the individual has not ~~previously~~ designated a patient  
 9 advocate or executed a durable power of attorney or an advance  
 10 directive, the responsible community mental health services program  
 11 or other entity as designated by the department shall ascertain  
 12 whether the individual desires to establish a durable power of  
 13 attorney or an advance directive. If so, the community mental  
 14 health services program or other entity as designated by the  
 15 department shall direct the individual to the appropriate community  
 16 resource for assistance in developing a durable power of attorney  
 17 or an advance directive.

18 (6) If an order for assisted outpatient treatment conflicts  
 19 with the provisions of an existing durable power of attorney,  
 20 advance directive, or individual plan of services developed under  
 21 section 712, the **order for** assisted outpatient treatment ~~order~~  
 22 ~~shall~~ **must** be reviewed for possible adjustment by a psychiatrist  
 23 not previously involved with developing the **order for** assisted  
 24 outpatient treatment. ~~order.~~ If an order for assisted outpatient  
 25 treatment conflicts with the provisions of an existing advance  
 26 directive, durable power of attorney, or individual plan of  
 27 services developed under section 712, the court shall state the  
 28 court's findings on the record or in writing if the court takes the  
 29 matter under advisement, including the reason for the conflict.

1       Sec. 472a. (1) Upon the filing of a petition under section 434  
2 and a finding that an individual is a person requiring treatment,  
3 the court shall issue an initial order ~~of~~**for** involuntary mental  
4 health treatment that ~~shall~~**must** be limited in duration as follows:

5       (a) An initial order ~~of~~**for** hospitalization ~~shall~~**must** not  
6 exceed 60 days.

7       (b) An initial order ~~of~~**for** assisted outpatient treatment  
8 ~~shall~~**must** not exceed 180 days.

9       (c) An initial order ~~of~~**for** combined hospitalization and  
10 assisted outpatient treatment ~~shall~~**must** not exceed 180 days. The  
11 hospitalization portion of the initial order ~~shall~~**must** not exceed  
12 60 days.

13       (2) Upon the receipt of a petition under section 473 before  
14 the expiration of an initial order under subsection (1) and a  
15 finding that the individual continues to be a person requiring  
16 treatment, the court shall issue a second order for involuntary  
17 mental health treatment that ~~shall~~**must be limited in duration as**  
18 **follows:**

19       (a) **A second order for hospitalization must** not exceed 90  
20 days.

21       (b) **A second order for assisted outpatient treatment must not**  
22 **exceed 1 year.**

23       (c) **A second order for combined hospitalization and assisted**  
24 **outpatient treatment must not exceed 1 year. The hospitalization**  
25 **portion of the second order must not exceed 90 days.**

26       (3) Upon the receipt of a petition under section 473 before  
27 the expiration of a second order under subsection (2) and a finding  
28 that the individual continues to be a person requiring treatment,  
29 the court shall issue a continuing order for involuntary mental

1 health treatment that ~~shall~~**must be limited in duration as follows:**

2 (a) A continuing order of hospitalization must not exceed 1  
3 year.

4 (b) A continuing order of assisted outpatient treatment must  
5 not exceed 1 year.

6 (c) A continuing order of combined hospitalization and  
7 assisted outpatient treatment must not exceed 1 year. The  
8 hospitalization portion of a continuing order for combined  
9 hospitalization and assisted outpatient treatment must not exceed  
10 90 days.

11 (4) Upon the receipt of a petition under section 473 before  
12 the expiration of a continuing order ~~of~~**for** involuntary mental  
13 health treatment, including a continuing order issued under section  
14 485a or a 1-year order ~~of~~**for** hospitalization issued under former  
15 section 472, and a finding that the individual continues to be a  
16 person requiring treatment, the court shall issue another  
17 continuing order for involuntary mental health treatment ~~as~~  
18 ~~provided in~~**under** subsection (3) for a period not to exceed 1 year.  
19 The court shall continue to issue consecutive 1-year continuing  
20 orders for involuntary mental health treatment under this section  
21 until a continuing order expires without a petition having been  
22 filed under section 473 or the court finds that the individual is  
23 not a person requiring treatment.

24 (5) If a petition for an order ~~of~~**for** involuntary mental  
25 health treatment is not brought under section 473 at least 14 days  
26 before the expiration of an order ~~of~~**for** involuntary mental health  
27 treatment ~~as described in~~**under** subsections (2) to (4), ~~a person an~~  
28 **individual** who believes that ~~an~~**another** individual continues to be  
29 a person requiring treatment may ~~file a~~ petition under section 434

1 for an initial order ~~of~~**for** involuntary mental health treatment ~~as~~  
 2 ~~described in~~**under** subsection (1).

3 Sec. 475. (1) During the period of an order for assisted  
 4 outpatient treatment or combined hospitalization and assisted  
 5 outpatient treatment, if the agency or mental health professional  
 6 who is supervising an individual's assisted outpatient treatment  
 7 program determines that the individual is not complying with the  
 8 court order or that the assisted outpatient treatment has not been  
 9 or will not be sufficient to prevent harm that the individual may  
 10 inflict on ~~himself or herself~~**the individual's self** or ~~upon~~ others,  
 11 then the supervising agency or mental health professional shall  
 12 notify the court immediately. If the individual believes that the  
 13 assisted outpatient treatment program is not appropriate, the  
 14 individual may notify the court of that fact.

15 (2) If it comes to the attention of the court that an  
 16 individual subject to an order ~~of~~**for** assisted outpatient treatment  
 17 or combined hospitalization and assisted outpatient treatment is  
 18 not complying with the order, that the assisted outpatient  
 19 treatment has not been or will not be sufficient to prevent harm to  
 20 the ~~individual or to~~**individual's self or** others, or that the  
 21 individual believes that the assisted outpatient treatment program  
 22 is not appropriate, the court may do ~~either~~**any** of the following  
 23 without a hearing and based ~~upon~~**on** the record and other available  
 24 information:

25 (a) Consider ~~other~~ alternatives to hospitalization and modify  
 26 the order to direct the individual to undergo another program of  
 27 assisted outpatient treatment for the ~~duration of the order~~**order's**  
 28 **duration.**

29 (b) Modify the order to direct the individual to undergo

1 hospitalization or combined hospitalization and assisted outpatient  
2 treatment. The duration of the hospitalization, including the  
3 number of days the individual has already been hospitalized if the  
4 order being modified is a combined order, ~~shall~~**must** not exceed 60  
5 days for an initial order or 90 days for a second or continuing  
6 order. The modified order may provide that if the individual  
7 refuses to comply with the psychiatrist's order to return to the  
8 hospital, a peace officer shall take the individual into protective  
9 custody and transport the individual to ~~the~~**a particular** hospital.  
10 ~~selected.~~

11 **(c) Convene a status conference with the supervising agency**  
12 **and the individual to review the individual's compliance with the**  
13 **order.**

14 (3) During the period of an order for assisted outpatient  
15 treatment or a combination of hospitalization and assisted  
16 outpatient treatment, if the agency or mental health professional  
17 who is supervising an individual's assisted outpatient treatment  
18 determines that the individual is not complying with the court  
19 order, the supervising agency or mental health professional shall  
20 notify the court immediately.

21 (4) If it comes to the attention of the court that an  
22 individual subject to an order ~~of~~**for** assisted outpatient treatment  
23 or a combination of hospitalization and assisted outpatient  
24 treatment is not complying with the order, the court may require 1  
25 or more of the following, without a hearing:

26 (a) That the individual be taken to the preadmission screening  
27 unit established by the community mental health services program  
28 serving the community in which the individual resides.

29 (b) That the individual be hospitalized for a period of not

1 more than 10 days.

2 (c) ~~Upon~~ **On the** recommendation ~~by~~ **of** the community mental  
3 health services program serving the community in which the  
4 individual resides, that the individual be hospitalized for a  
5 period of more than 10 days, but not longer than the duration of  
6 the order for assisted outpatient treatment or a combination of  
7 hospitalization and assisted outpatient treatment, or not longer  
8 than 90 days, whichever is less.

9 (5) The court may direct peace officers to transport the  
10 individual to a designated facility or a preadmission screening  
11 unit ~~, as applicable,~~ and the court may specify **the** conditions  
12 under which the individual may return to assisted outpatient  
13 treatment before the order expires.

14 (6) An individual hospitalized without a hearing ~~as provided~~  
15 ~~in~~ **under** subsection (4) may object to the hospitalization according  
16 to the provisions of section 475a.