

MENTAL HEALTH CODE (EXCERPT)
Act 258 of 1974

330.1716 Surgery; consent.

Sec. 716. (1) Except as provided in subsections (2) and (3), a recipient of mental health services shall not have surgery performed upon him or her unless consent is obtained from 1 of the following:

- (a) The recipient if he or she is 18 years of age or over and does not have a guardian for medical purposes.
- (b) The guardian of the recipient if the guardian is legally empowered to execute a consent to surgery.
- (c) The parent of the recipient who has legal and physical custody of the recipient, if the recipient is less than 18 years of age.
- (d) The representative authorized to consent under a durable power of attorney or other advance directive.

(2) If the life of a recipient is threatened and there is not time to obtain consent, surgery may be performed without consent after the medical necessity for the procedure has been documented and the documentation has been entered into the record of the recipient.

(3) If surgery is considered advisable for a recipient, and if no one eligible under subsection (1) to give consent can be found after diligent effort, a probate court may, upon petition and after hearing, consent to performance of the surgery in lieu of the individual eligible to give consent.

History: 1974, Act 258, Eff. Aug. 6, 1975;—Am. 1995, Act 290, Eff. Mar. 28, 1996.