

MENTAL HEALTH CODE (EXCERPT)
Act 258 of 1974

DISCHARGES AND LEAVES

330.1525 Discretionary discharge; mandatory discharge; notice; statements.

Sec. 525. (1) The director of a facility may at any time discharge an administratively admitted resident or a resident admitted by court order whom the director considers suitable for discharge.

(2) The director of a facility shall discharge a resident admitted by court order when the resident no longer meets the criteria for treatment.

(3) If a resident discharged under subsection (1) or (2) has been admitted to a facility by court order, or if court proceedings are pending, both the court and the community mental health services program shall be notified of the discharge by the facility. If a resident met the criteria for treatment under section 515(b), the prosecuting attorney must also be notified of the discharge by a facility.

(4) If the court orders a person to be admitted under section 515 subsequent to dismissal of felony charges under section 1044(1)(b), the court shall include both of the following statements in the order unless the time for petitioning to refile charges under section 1044 has elapsed:

(a) A requirement that not less than 30 days before the resident's scheduled release or discharge, the director of the treating facility shall notify the prosecutor's office in the county in which charges against the resident were originally brought that the resident's release or discharge is pending.

(b) A requirement that not less than 30 days before the resident's scheduled release or discharge, the resident undergo a competency examination as described in section 1026. A copy of the written report of the examination along with the notice required in subdivision (a) shall be submitted to the prosecutor's office in the county in which the charges against the resident were originally brought. The written report is admissible as provided in section 1030(3).

History: 1974, Act 258, Eff. Nov. 6, 1974;—Am. 1995, Act 290, Eff. Mar. 28, 1996;—Am. 1998, Act 382, Imd. Eff. Oct. 23, 1998;—Am. 2018, Act 596, Eff. Mar. 28, 2019.

330.1526 Termination of alternative care and treatment; notice.

Sec. 526. (1) A person providing alternative care and treatment to an individual under section 518(2)(c) may terminate the alternative care and treatment to an individual whom the provider of alternative care and treatment considers suitable for termination of care and treatment and shall terminate the alternative care and treatment when the individual no longer meets the criteria for admission.

(2) Upon termination of alternative care and treatment, the provider of the alternative care and treatment shall notify the court.

History: 1974, Act 258, Eff. Nov. 6, 1974;—Am. 2018, Act 596, Eff. Mar. 28, 2019.

330.1527 Care and treatment on administrative basis; aid in obtaining other care and treatment.

Sec. 527. If, upon the discharge of an individual admitted by court order or upon termination of alternative care and treatment to an individual receiving care and treatment under section 518(2), the community mental health services program determines that the individual would benefit from the receipt of further care and treatment, the community mental health services program shall make arrangements with the facility or provider of alternative care and treatment to continue to provide appropriate care and treatment to the individual on an administrative basis, or the community mental health services program shall assist the individual to obtain appropriate care and treatment from another source.

History: 1974, Act 258, Eff. Nov. 6, 1974;—Am. 1995, Act 290, Eff. Mar. 28, 1996;—Am. 2018, Act 596, Eff. Mar. 28, 2019.

330.1528 Leaves or absences from center; rules; procedures; mandatory discharge; notice.

Sec. 528. (1) Except as provided in subsection (2), all leaves or absences from a facility other than release or discharge and all revocations of leaves and absences under section 537 are governed in accordance with rules or procedures established by the department or, in the case of a private facility, in accordance with procedures of its governing board.

(2) A resident who has been admitted subject to a court order and who has been on an authorized leave or absence from the facility for a continuous period of 1 year shall be discharged. Upon the discharge, the court shall be notified by the facility.

History: 1974, Act 258, Eff. Nov. 6, 1974;—Am. 1995, Act 290, Eff. Mar. 28, 1996;—Am. 2018, Act 596, Eff. Mar. 28, 2019.

Administrative rules: R 330.1001 et seq. of the Michigan Administrative Code.