

**MENTAL HEALTH CODE (EXCERPT)**  
**Act 258 of 1974**

\*\*\*\*\* 330.1474.amended THIS AMENDED SECTION IS EFFECTIVE FEBRUARY 14, 2017 \*\*\*\*\*

**330.1474.amended Release of individual from hospital to alternative treatment program or assisted outpatient treatment; decision; notice; appeal; court petition; information to be considered by court.**

Sec. 474. (1) If an individual is subject to a combined order of hospitalization and either alternative treatment or assisted outpatient treatment, the decision to release the individual from the hospital to the alternative treatment program or assisted outpatient treatment program shall be a clinical decision made by a psychiatrist designated by the hospital director in consultation with the director of the alternative treatment program or the assisted outpatient treatment program. If the hospital is operated by or under contract with the department or a community mental health services program and private payment arrangements have not been made, the decision shall be made in consultation with the treatment team designated by the executive director of the community mental health services program. Notice of the return of the individual to the alternative treatment program or to the assisted outpatient treatment program shall be provided to the court with a statement from a psychiatrist explaining the belief that the individual is clinically appropriate for alternative treatment or assisted outpatient treatment. At least 5 days before releasing an individual from the hospital to the alternative treatment program or assisted outpatient treatment program, the hospital director shall notify the agency or mental health professional that is responsible to supervise the individual's alternative treatment program or assisted outpatient treatment program that the individual is about to be released. The hospital shall share relevant information about the individual with the supervising agency or professional for the purpose of providing continuity of treatment.

(2) If there is a disagreement between the hospital and the executive director regarding the decision to release the individual to the alternative treatment program or assisted outpatient treatment program, either party may appeal in writing to the department director within 24 hours of the decision. The department director shall designate the psychiatrist responsible for clinical affairs in the department, or his or her designee, who shall also be a psychiatrist, to consider the appropriateness of the release and make a decision within 48 hours after receipt of the written appeal. Either party may appeal the decision of the department to the court in writing within 24 hours after the department's decision.

(3) If private arrangements have been made for the reimbursement of mental health treatment services in an alternative setting and there is a disagreement between the hospital and the director of the alternative treatment program or assisted outpatient treatment program regarding the decision to release the individual, either party may petition the court for a determination of whether the individual should be released from the hospital to the alternative treatment program or assisted outpatient treatment program.

(4) The court shall make a decision within 48 hours after receipt of a written appeal under subsection (2) or a petition under subsection (3). The court shall consider information provided by both parties and may appoint a psychiatrist to provide an independent clinical examination.

**History:** Add. 1996, Act 588, Imd. Eff. Jan. 21, 1997;—Am. 2016, Act 320, Eff. Feb. 14, 2017.