

HOUSE BILL No. 6077

May 7, 2008, Introduced by Reps. Meadows, Meisner, Miller, Kathleen Law, Amos, Simpson, Leland, Robert Jones, Vagnozzi, Jackson, Young, Byrnes, Rick Jones, Green, Polidori, Gonzales, Clack, Garfield and Wenke and referred to the Committee on Health Policy.

A bill to amend 1974 PA 258, entitled
"Mental health code,"
by amending sections 116 and 208 (MCL 330.1116 and 330.1208),
section 116 as amended by 1998 PA 67 and section 208 as amended by
1995 PA 290.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 116. (1) Consistent with section 51 of article IV of the
2 state constitution of 1963, which declares that the health of the
3 people of the state is a matter of primary public concern, and as
4 required by section 8 of article VIII of the state constitution of
5 1963, which declares that services for the care, treatment,
6 education, or rehabilitation of those who are seriously mentally

1 disabled shall always be fostered and supported, the department
2 shall continually and diligently endeavor to ensure that adequate
3 and appropriate mental health services are available to all
4 citizens throughout the state. To this end, the department shall
5 have the general powers and duties described in this section.

6 (2) The department shall do all of the following:

7 (a) Direct services to individuals who have a serious mental
8 illness, developmental disability, or serious emotional
9 disturbance. The department shall give priority to **ANY OF** the
10 following: ~~services:~~

11 (i) Services for individuals **WITH A DIAGNOSIS OF SCHIZOPHRENIA,**
12 **SCHIZOAFFECTIVE DISORDER, BIPOLAR DISORDER, MAJOR DEPRESSION,**
13 **OBSESSIVE COMPULSIVE DISORDER, DELUSIONAL DISORDER, PSYCHOTIC**
14 **DISORDER NOT ATTRIBUTABLE TO GENERAL MEDICAL CONDITION, OR**
15 **BORDERLINE PERSONALITY DISORDER, INCLUDING ANY OF THE PRECEDING CO-**
16 **OCCURRING WITH SUBSTANCE USE DISORDER.**

17 (ii) **SERVICES FOR INDIVIDUALS WITH A SERIOUS MENTAL ILLNESS OR**
18 **SERIOUS EMOTIONAL DISTURBANCE WHOSE LEVEL OF FUNCTIONING IS**
19 **DETERMINED TO BE SEVERELY IMPAIRED BASED ON A DEPARTMENT-APPROVED**
20 **INSTRUMENT FOR MEASURING SEVERITY OF CONDITION.**

21 (iii) **SERVICES FOR INDIVIDUALS** ~~with the most severe forms of~~
22 ~~serious mental illness, serious emotional disturbance, or~~
23 ~~developmental disability.~~

24 (iv) ~~(ii)~~ Services for individuals with serious mental illness,
25 serious emotional disturbance, or developmental disability who are
26 in urgent or emergency situations.

27 (b) Administer the provisions of chapter 2 ~~so as to~~ promote

1 and maintain an adequate and appropriate system of community mental
2 health services programs throughout the state. In the
3 administration of chapter 2, it ~~shall be the~~ **IS THE DEPARTMENT'S**
4 objective ~~of the department~~ to shift primary responsibility for the
5 direct delivery of public mental health services from the state to
6 a community mental health services program whenever the community
7 mental health services program has demonstrated a willingness and
8 capacity to provide an adequate and appropriate system of mental
9 health services for the citizens of that service area.

10 (c) Engage in planning for the purpose of identifying,
11 assessing, and enunciating the mental health needs of the state.

12 (d) Submit to the members of the house and senate standing
13 committees and appropriation subcommittees with legislative
14 oversight of mental health matters an annual report summarizing its
15 assessment of the mental health needs of the state and
16 incorporating information received from community mental health
17 services programs under section 226. The report shall include an
18 estimate of the cost of meeting all identified needs. Additional
19 information shall be made available to the legislature upon
20 request.

21 (e) Endeavor to develop and establish arrangements and
22 procedures for the effective coordination and integration of all
23 public mental health services, and for effective cooperation
24 between public and nonpublic services, for the purpose of providing
25 a unified system of statewide mental health care.

26 (f) Review and evaluate the relevance, quality, effectiveness,
27 and efficiency of mental health services being provided by the

1 department and assure the review and evaluation of mental health
2 services provided by community mental health services programs. The
3 department shall establish and implement a structured system to
4 provide data necessary for the reviews and evaluations.

5 (g) Implement those provisions of law under which it is
6 responsible for the licensing or certification of mental health
7 facilities or services.

8 (h) Establish standards of training and experience for
9 executive directors of community mental health services programs.

10 (i) Support research activities.

11 (j) Support evaluation and quality improvement activities.

12 (k) Support training, consultation, and technical assistance
13 regarding mental health programs and services and appropriate
14 prevention and mental health promotion activities, including those
15 that are culturally sensitive, to employees of the department,
16 community mental health services programs, and other nonprofit
17 agencies providing mental health services under contract with
18 community mental health services programs.

19 (l) Support multicultural services.

20 (3) The department may do all of the following:

21 (a) Direct services to individuals who have mental disorders
22 that meet diagnostic criteria specified in the most recent
23 diagnostic and statistical manual of mental health disorders
24 published by the American psychiatric association and approved by
25 the department and to the prevention of mental disability and the
26 promotion of mental health. Resources that have been specifically
27 appropriated for services to individuals with dementia, alcoholism,

1 or substance abuse, or for the prevention of mental disability and
2 the promotion of mental health shall be utilized for those specific
3 purposes.

4 (b) Provide, on a residential or nonresidential basis, any
5 type of patient or client service including but not limited to
6 prevention, diagnosis, treatment, care, education, training, and
7 rehabilitation.

8 (c) Operate mental health programs or facilities directly or
9 through contractual arrangement.

10 (d) Institute pilot projects considered appropriate by the
11 director to test new models and concepts in service delivery or
12 mental health administration. Pilot projects may include, but need
13 not be limited to, both of the following:

14 (i) Issuance of a voucher to a recipient of public mental
15 health services in accordance with the recipient's individual plan
16 of services and guidelines developed by the department.

17 (ii) Establishment of revolving loans to assist recipients of
18 public mental health services to acquire or maintain affordable
19 housing. Funding under this subparagraph shall only be provided
20 through an agreement with a nonprofit fiduciary in accordance with
21 guidelines and procedures developed by the department related to
22 the use, issuance, and accountability of revolving loans used for
23 recipient housing.

24 (e) Enter into an agreement, contract, or arrangement with any
25 individual or public or nonpublic entity that is necessary or
26 appropriate to fulfill those duties or exercise those powers that
27 have by statute been given to the department.

1 (f) Accept gifts, grants, bequests, and other donations for
2 use in performing its functions. Any money or property accepted
3 shall be used as directed by its donor and in accordance with law
4 and the rules and procedures of the department.

5 (4) ~~(g)~~—The department has any other power necessary or
6 appropriate to fulfill those duties and exercise those powers that
7 have been given to the department by law and that are not otherwise
8 prohibited by law.

9 Sec. 208. (1) Services provided by a community mental health
10 services program shall be directed to individuals who have a
11 serious mental illness, serious emotional disturbance, or
12 developmental disability.

13 (2) Services may be directed to individuals who have other
14 mental disorders that meet criteria specified in the most recent
15 diagnostic and statistical manual of mental health disorders
16 published by the American psychiatric association and may also be
17 directed to the prevention of mental disability and the promotion
18 of mental health. Resources that have been specifically designated
19 to community mental health services programs for services to
20 individuals with dementia, alcoholism, or substance abuse or for
21 the prevention of mental disability and the promotion of mental
22 health shall be utilized for those specific purposes.

23 (3) Priority ~~shall be given to the provision of~~ **FOR PROVIDING**
24 services **SHALL BE GIVEN** to individuals **IN ANY OF THE FOLLOWING**
25 **CATEGORIES:**

26 (A) **INDIVIDUALS WITH A DIAGNOSIS OF SCHIZOPHRENIA,**
27 **SCHIZOAFFECTIVE DISORDER, BIPOLAR DISORDER, MAJOR DEPRESSION,**

1 OBSESSIVE COMPULSIVE DISORDER, DELUSIONAL DISORDER, PSYCHOTIC
2 DISORDER NOT ATTRIBUTABLE TO GENERAL MEDICAL CONDITION, OR
3 BORDERLINE PERSONALITY DISORDER, INCLUDING ANY OF THE PRECEDING CO-
4 OCCURRING WITH SUBSTANCE USE DISORDER.

5 (B) INDIVIDUALS WITH A SERIOUS MENTAL ILLNESS OR SERIOUS
6 EMOTIONAL DISTURBANCE WHOSE LEVEL OF FUNCTIONING IS DETERMINED TO
7 BE SEVERELY IMPAIRED BASED ON A DEPARTMENT-APPROVED INSTRUMENT FOR
8 MEASURING SEVERITY OF CONDITION.

9 (C) ~~INDIVIDUALS with the most severe forms of serious mental~~
10 ~~illness, serious emotional disturbance, and developmental~~
11 ~~disability. Priority shall also be given to the provision of~~
12 ~~services to individuals~~

13 (D) INDIVIDUALS with a serious mental illness, serious
14 emotional disturbance, or developmental disability **WHO ARE** in
15 urgent or emergency situations.

16 (4) An individual shall not be denied a service because an
17 individual who is financially liable is unable to pay for the
18 service.