

SENATE BILL No. 873

September 24, 2009, Introduced by Senators THOMAS, BRATER, JACOBS, ANDERSON, SCOTT, CHERRY, OLSHOVE, SWITALSKI and BASHAM and referred to the Committee on Health Policy.

A bill to amend 1974 PA 258, entitled
"Mental health code,"
by amending sections 415, 416, and 419 (MCL 330.1415, 330.1416, and 330.1419), section 415 as amended by 2004 PA 557, section 416 as amended by 1995 PA 290, and section 419 as amended by 1984 PA 186.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 415. ~~Subject to section 410, an~~ **AN** individual 18 years of
2 age or over may be hospitalized as a formal voluntary patient if
3 the **HOSPITAL DIRECTOR CONSIDERS THE INDIVIDUAL TO BE CLINICALLY**
4 **SUITABLE FOR THAT FORM OF HOSPITALIZATION AND EITHER OF THE**
5 **FOLLOWING APPLIES:**

6 **(A)** **THE** individual executes an application for hospitalization
7 as a formal voluntary patient. ~~or the individual assents and the~~

1 **(B) THE** full guardian of the individual ~~, OR the limited~~
 2 guardian with authority to admit ~~, or a patient advocate authorized~~
 3 ~~by the individual to make mental health treatment decisions under~~
 4 ~~the estates and protected individuals code, 1998 PA 386, MCL~~
 5 ~~700.1101 to 700.8102,~~ executes an application for hospitalization.
 6 ~~and if the hospital director considers the individual to be~~
 7 ~~clinically suitable for that form of hospitalization.~~

8 Sec. 416. The formal application shall contain in large type
 9 and simple language the substance of sections 419 and 420. Upon
 10 hospitalization, the rights set forth in the application shall be
 11 orally communicated to the patient and to the individual who
 12 executed the application. In addition, a copy of the application
 13 shall be given to the patient and the individual who executed the
 14 application and to ~~1 other~~ **OF THE FOLLOWING:**

15 **(A) AN** individual designated by the patient, **IF THE**
 16 **APPLICATION WAS EXECUTED UNDER SECTION 415(A) .**

17 **(B) AN INDIVIDUAL DESIGNATED BY THE GUARDIAN, IF THE**
 18 **APPLICATION WAS EXECUTED UNDER SECTION 415(B) .**

19 Sec. 419. (1) Except as is provided in section 420, a formal
 20 voluntary patient 18 years of age or over shall not be hospitalized
 21 more than 3 days, excluding Sundays and holidays, after the patient
 22 gives written notice of an intention to terminate his or her
 23 hospitalization and leave the hospital, **UNLESS THE APPLICATION FOR**
 24 **HOSPITALIZATION WAS EXECUTED UNDER SECTION 415(B) . IF THE**
 25 **APPLICATION WAS EXECUTED UNDER SECTION 415(B) , ONLY THE GUARDIAN**
 26 **MAY GIVE WRITTEN NOTICE OF TERMINATION.**

27 (2) When the hospital is told of an intention to terminate

- 1 hospitalization under subsection (1), it shall promptly supply the
- 2 written form which is required.