

HOUSE BILL No. 6109

December 7, 2016, Introduced by Rep. Phelps and referred to the Committee on Health Policy.

A bill to establish the division on behavioral health for deaf, deafblind, and hard of hearing within the department of health and human services; to prescribe the powers and duties of the department, the division, and certain state officers; to establish a fund and provide for expenditures from that fund; and to provide for an appropriation.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "division on behavioral health for deaf, deafblind, and hard of
3 hearing act".

4 Sec. 2. As used in this act:

5 (a) "Behavioral health" means the prevention and treatment of
6 mental illness and substance use disorder.

1 (b) "Commission" means the commission on behavioral health for
2 deaf, deafblind, and hard of hearing established in section 3 of
3 the commission on behavioral health for deaf, deafblind, and hard
4 of hearing act.

5 (c) "Deaf person" means a person who is not able to process
6 information aurally, with or without amplification, whose primary
7 means of communication is visual, and whose primary means of
8 receiving spoken language is through other sensory input,
9 including, but not limited to, lip reading, sign language,
10 fingerspelling, or reading.

11 (d) "Deafblind person" means a person who has a combination of
12 hearing loss and vision loss, and that combination necessitates
13 specialized interpretation of spoken and written information in a
14 manner appropriate to each person's dual sensory loss.

15 (e) "Department" means the department of health and human
16 services.

17 (f) "Division" means the division on behavioral health for
18 deaf, deafblind, and hard of hearing established in section 3.

19 (g) "Fluent in American sign language" means having been
20 assessed at the American sign language proficiency interview level
21 4 or higher or an equivalent proficiency level.

22 (h) "Hard of hearing person" means a person who has hearing
23 loss ranging from mild to profound. Hard of hearing person includes
24 a person who uses his or her residual hearing, hearing aid,
25 cochlear implant, hearing assistive technology, communication
26 access realtime translation (CART), speech reading, and other
27 communication strategies and remain in the hearing world.

1 (i) "Qualified sign language interpreter" means a qualified
2 interpreter as set forth in R 393.5028 of the Michigan
3 Administrative Code.

4 Sec. 3. (1) The division on behavioral health for deaf,
5 deafblind, and hard of hearing is established within the
6 department. The purpose of the division is to protect and assist on
7 behavioral health matters for deaf, deafblind, and hard of hearing
8 persons.

9 (2) The division shall be supervised by a division director
10 who shall be appointed by the department director and shall report
11 to the director of the department's behavioral health and
12 developmental disabilities administration. The division director
13 shall be a member of the classified state civil service, hold not
14 less than a master's degree in a human services-related field, be
15 fluent in American sign language, have the certification of hearing
16 loss support specialist training or equivalent, have the ability to
17 communicate in various ways with deaf, deafblind, and hard of
18 hearing persons, and be knowledgeable in behavioral health issues.

19 Sec. 4. (1) Under the supervision of the department, the
20 division shall do all of the following:

21 (a) Advocate for deaf, deafblind, and hard of hearing persons
22 in their receipt of behavioral health services.

23 (b) Work closely with all public and privately funded
24 organizations that provide behavioral health services to deaf,
25 deafblind, and hard of hearing persons.

26 (c) Ensure practitioners who provide behavioral health
27 services to deaf, deafblind, and hard of hearing persons improve

1 the quality and coordination of their delivery systems.

2 (d) Provide information on deafness and hard of hearing
3 identity to deaf, deafblind, and hard of hearing persons and
4 providers of behavioral health services.

5 (e) Provide information and referral services to deaf,
6 deafblind, and hard of hearing persons to ensure that their rights
7 are protected while receiving behavioral health services in this
8 state.

9 (f) Provide information to deaf, deafblind, and hard of
10 hearing persons on behavioral health programs and services
11 available to them.

12 (g) Promote new behavioral health services, when necessary,
13 for deaf, deafblind, and hard of hearing persons.

14 (h) Sponsor or cosponsor conferences, workshops, or seminars
15 to educate deaf, deafblind, and hard of hearing persons and the
16 public about behavioral health issues affecting deaf, deafblind,
17 and hard of hearing persons.

18 (i) Maintain statistics, facts, and data pertaining to
19 behavioral health issues affecting deaf, deafblind, and hard of
20 hearing persons of all ages and degrees of hearing loss.

21 (j) Provide technical assistance to behavioral health service
22 providers regarding communication accessibility on behavioral
23 health services for deaf, deafblind, and hard of hearing persons.

24 (k) Through the direction of the commission, ensure that deaf,
25 deafblind, or hard of hearing persons have access to audiologically
26 specific, culturally and linguistically appropriate services, and
27 reasonable accommodations, including, but not limited to, direct

1 professional services provided by individuals fluent in sign
2 language, qualified sign language interpreters, assistive listening
3 devices, communication access realtime translation (CART), support
4 service providers (SSP), and transportation assistance for deaf,
5 deafblind, or hard of hearing persons, as needed and as preferred
6 by the deaf, deafblind, or hard of hearing person to access
7 behavioral health services, substance use disorder services, health
8 services, and human services.

9 (2) The division may assess reasonable fees for conferences
10 sponsored or cosponsored by the division, the use of materials
11 developed by the division, and services provided by the division.

12 Sec. 5. The division may solicit and accept gifts, grants, or
13 other aid from any source, whether public or private.

14 Sec. 6. (1) The division on behavioral health for deaf,
15 deafblind, and hard of hearing wellness fund is created within the
16 state treasury.

17 (2) The state treasurer may receive money or other assets from
18 any source for deposit into the fund. The state treasurer shall
19 direct the investment of the fund. The state treasurer shall credit
20 to the fund interest and earnings from fund investments.

21 (3) Money in the fund at the close of the fiscal year shall
22 remain in the fund and shall not lapse to the general fund.

23 (4) The department shall be the administrator of the fund for
24 auditing purposes.

25 (5) The department shall expend money from the fund, upon
26 appropriation, only for implementation and administration of this
27 act.

1 Sec. 7. The department shall promulgate, as necessary, rules
2 to implement this act according to the administrative procedures
3 act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

4 Sec. 8. The legislature annually shall appropriate a sum
5 sufficient to implement this act.

6 Enacting section 1. This act takes effect 90 days after the
7 date it is enacted into law.

8 Enacting section 2. This act does not take effect unless
9 Senate Bill No. _____ or House Bill No. 6110 (request no. 05800'16) of
10 the 98th Legislature is enacted into law.