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SENATE BILL No. 1180

June 2, 1994, Introduced by Senators BERRYMAN, DILLINGHAM, WELBORN and DINGELL and referred to the Committee on Family Law, Mental Health, and Corrections

A bill to amend sections 244, 308, 744, 748, and 1050 of Act No 258 of the Public Acts of 1974, entitled as amended "Mental health code,"

section 244 as amended by Act No 289 of the Public Acts of 1986, section 308 as amended by Act No 249 of the Public Acts of 1983, and section 748 as amended by Act No 167 of the Public Acts of 1990 being sections 330 1244, 330 1308, 330 1744, 330 1748, and 330 2050 of the Michigan Compiled Laws and to add sections 243, 1051, and 1052

THE PEOPLE OF THE STATE OF MICHIGAN ENACT

1 Section 1 Sections 244, 308, 744, 748, and 1050 of Act
2 No 258 of the Public Acts of 1974, section 244 as amended by Act
3 No 289 of the Public Acts of 1986, section 308 as amended by Act
4 No 249 of the Public Acts of 1983, and section 748 as amended by
5 Act No 167 of the Public Acts of 1990, being sections 330 1244,

1 330 1308, 330 1744 330 1748, and 330 2050 of the Michigan
2 Compiled Laws, are amended and sections 243, 1051, and 1052 are
3 added to read as follows

4 SEC 243 (1) SUBJECT TO SUBSECTIONS (2) AND (3), A COUNTY
5 PROGRAM SHALL PROVIDE SERVICES AS THE RESPONSIBLE COUNTY PROGRAM
6 PURSUANT TO SECTION 1057 TO BOTH OF THE FOLLOWING

7 (A) AN INDIVIDUAL WHO RESIDED IN THE COUNTY AT THE TIME HE
8 OR SHE COMMITTED AN ACT FOR WHICH THE INDIVIDUAL WAS FOUND BY A
9 MICHIGAN COURT TO BE NOT GUILTY BY REASON OF INSANITY

10 (B) AN INDIVIDUAL WITHOUT A COUNTY OF RESIDENCE IN THIS
11 STATE WHO WAS FOUND BY A COURT IN THE COUNTY TO BE NOT GUILTY OF
12 A CRIME BY REASON OF INSANITY

13 (2) IF THE RESPONSIBLE COUNTY PROGRAM DESCRIBED IN SUBSEC-
14 TION (1) BELIEVES IT IS IN THE BEST INTERESTS OF THE PUBLIC OR
15 THE INDIVIDUAL FOUND NOT GUILTY BY REASON OF INSANITY THAT THE
16 INDIVIDUAL NOT BE PLACED UNDER ITS SUPERVISION, IT MAY SUBMIT A
17 WRITTEN REQUEST TO THE FORENSIC REVIEW BOARD PURSUANT TO SECTION
18 1057 ASKING TO BE RELEASED FROM THE DUTY OF SUPERVISING THE INDI-
19 VIDUAL IN THE COMMUNITY IF THE FORENSIC REVIEW BOARD GRANTS ITS
20 REQUEST, THE COUNTY PROGRAM IS NOT THE RESPONSIBLE COUNTY PROGRAM
21 AND IS NOT REQUIRED TO PROVIDE THE SERVICES DESCRIBED IN SECTION
22 1057 IF THE FORENSIC REVIEW BOARD DENIES ITS REQUEST, THE
23 COUNTY PROGRAM IS THE RESPONSIBLE COUNTY PROGRAM AND SHALL PRO-
24 VIDE THE SERVICES DESCRIBED IN SECTION 1057

25 (3) IF THE FORENSIC REVIEW BOARD GRANTS THE REQUEST OF A
26 COUNTY PROGRAM PURSUANT TO SUBSECTION (2) AND ANOTHER COUNTY
27 PROGRAM AGREES TO PROVIDE THE SERVICES, OR IF THE FORENSIC REVIEW

1 BOARD DETERMINES THAT IT IS IN THE BEST INTERESTS OF THE PUBLIC
2 OR THE INDIVIDUAL FOUND NOT GUILTY BY REASON OF INSANITY FOR THE
3 INDIVIDUAL TO BE SUPERVISED BY A COUNTY PROGRAM OTHER THAN THE
4 COUNTY PROGRAM DESCRIBED IN SUBSECTION (1), AND THE COUNTY PRO-
5 GRAM SELECTED BY THE FORENSIC REVIEW BOARD CONSENTS TO BE THE
6 RESPONSIBLE COUNTY PROGRAM, THE COUNTY PROGRAM SELECTED BY THE
7 FORENSIC REVIEW BOARD PURSUANT TO THIS SUBSECTION IS THE RESPON-
8 SIBLE COUNTY PROGRAM AND SHALL PROVIDE THE SERVICES DESCRIBED IN
9 SECTION 1057

10 (4) EACH COUNTY PROGRAM SHALL DESIGNATE AN INDIVIDUAL TO BE
11 FORENSIC LIAISON FOR PURPOSES OF PLANNING AND IMPLEMENTING PLACE-
12 MENT AND TREATMENT OF AN INDIVIDUAL FOUND NOT GUILTY OF A CRIME
13 BY REASON OF INSANITY WHO IS COMMITTED TO THE JURISDICTION OF THE
14 FORENSIC REVIEW BOARD PURSUANT TO SECTION 1054 A FORENSIC LIAI-
15 SON SHALL DO ALL OF THE FOLLOWING

16 (A) UNDERGO TRAINING PROVIDED BY THE DEPARTMENT PURSUANT TO
17 SECTION 244

18 (B) ACT AS THE PRIMARY CONTACT BETWEEN THE COUNTY PROGRAM
19 AND THE FORENSIC REVIEW BOARD

20 (C) IF THE COUNTY PROGRAM THAT DESIGNATED THE FORENSIC LIAI-
21 SON IS THE RESPONSIBLE COUNTY PROGRAM FOR AN INDIVIDUAL UNDER THE
22 JURISDICTION OF THE FORENSIC REVIEW BOARD, PARTICIPATE IN THE
23 PLANNING AND IMPLEMENTATION OF PLACEMENT AND TREATMENT OF THAT
24 INDIVIDUAL PURSUANT TO SECTION 1057

25 Sec 244 In addition to the duties and powers elsewhere
26 provided in this chapter, the department shall DO ALL OF THE
27 FOLLOWING

1 (a) Seek to develop and establish arrangements and
2 procedures for the effective coordination and integration of
3 state services and county program services

4 (b) Review and evaluate, at times and in a manner the
5 department considers appropriate, the relevancy, quality, effec-
6 tiveness, and efficiency of county programs In developing or
7 operating its county program information system, the department
8 shall not collect any information that would make it possible to
9 identify by name any individual who receives a service from a
10 county program Any such information in the possession of the
11 department before August 6, 1974, shall not be disclosed by the
12 department

13 (c) Provide consultative services to counties seeking to
14 establish a county program, and provide other consultative serv-
15 ices to county programs as the department considers feasible and
16 appropriate

17 (d) Establish, or approve a county program's establishment
18 of, financial liability schedules, provisions, and procedures for
19 persons who receive mental health services from county programs,
20 in accordance with section 844 A person shall not be denied a
21 county program service because ~~of an inability to pay for the~~
22 ~~service on the part of~~ those who are financially liable ARE
23 UNABLE TO PAY FOR THE SERVICE

24 (e) Audit, or cause to be audited, the expenditure of state
25 funds by county programs Copies of audit reports shall be for-
26 warded to the auditor general

1 (f) Promulgate such rules, pursuant to the administrative
2 procedures act of 1969, Act No 306 of the Public Acts of 1969,
3 as amended, being sections 24 201 to 24 328 of the Michigan
4 Compiled Laws, as it considers necessary or appropriate to imple-
5 ment the objectives and provisions of this chapter

6 (g) Before planning and locating a specialized residential
7 service as defined in section 300, including a residential home,
8 in a city, village, or township, seek the advice and consultation
9 of the governing body of the city, village, or township in which
10 the specialized residential service is proposed to be located

11 (H) PROVIDE CONSULTATION AND TRAINING ON FORENSIC SPECIAL-
12 IZATION, INCLUDING ANNUAL TRAINING UPDATES, TO INDIVIDUALS DESIG-
13 NATED AS FORENSIC LIAISONS PURSUANT TO SECTION 243

14 Sec 308 (1) Except as otherwise provided in this chapter
15 and ~~subsection~~ SUBSECTIONS (2) AND (3) and subject to the con-
16 straint of funds actually appropriated by the legislature for
17 such purpose, the state shall pay 90% of the annual net cost of a
18 county community mental health program that is established and
19 administered in accordance with chapter 2

20 (2) The state shall pay the family support subsidies estab-
21 lished under section 156

22 (3) THE STATE SHALL PAY 100% OF THE PUBLIC SHARE OF COSTS
23 PROVIDED TO AN INDIVIDUAL RECEIVING SERVICES PURSUANT TO SECTION
24 1057

25 Sec 744 The freedom of movement of a resident shall not
26 be restricted more than is necessary to provide mental health
27 services to him OR HER, to prevent injury to him OR HER or to

1 others or to prevent substantial property damage except that
2 security precautions appropriate to the condition and circum-
3 stances of a resident admitted by order of a criminal court OR
4 THE FORENSIC REVIEW BOARD CREATED IN SECTION 1051 or transferred
5 as a sentence serving convict from a penal institution may be
6 taken

7 Sec 748 (1) Information in the record of a recipient, and
8 other information acquired in the course of providing mental
9 health services to a recipient, shall be kept confidential and
10 shall not be open to public inspection The information may be
11 disclosed outside the department, county community mental health
12 program, or licensed private facility, whichever is the holder of
13 the record only in the circumstances and under the conditions
14 set forth in this section

15 (2) When information made confidential by this section is
16 disclosed, the identity of the individual to whom it pertains
17 shall be protected and shall not be disclosed unless it is ger-
18 mane to the authorized purpose for which disclosure was sought
19 and, when practicable, no other information shall be disclosed
20 unless it is germane to the authorized purpose for which disclo-
21 sure was sought

22 (3) Any person receiving information made confidential by
23 this section shall disclose the information to others only to the
24 extent consistent with the authorized purpose for which the
25 information was obtained

1 (4) Except as provided otherwise in subsection (8), when
2 requested, information made confidential by this section shall be
3 disclosed only under 1 or more of the following circumstances

4 (a) Pursuant to orders or subpoenas of a court of record,
5 ORDERS OR SUBPOENAS OF THE FORENSIC REVIEW BOARD CREATED IN SEC-
6 TION 1051, or subpoenas of the legislature, unless the informa-
7 tion is made privileged by law

8 (b) To a prosecuting attorney as necessary for the prosecut-
9 ing attorney to participate in a proceeding governed by this
10 act

11 (c) To an attorney for the recipient, with the recipient's
12 consent

13 (d) When necessary in order to comply with another provision
14 of law

15 (e) To the department OR THE FORENSIC REVIEW BOARD when the
16 information is necessary in order for the department OR FORENSIC
17 REVIEW BOARD to discharge a responsibility placed upon it by
18 law

19 (f) To the office of the auditor general when the informa-
20 tion is necessary for that office to discharge its constitutional
21 responsibility

22 (g) To a surviving spouse of the recipient for purposes of
23 applying for and receiving benefits or, if there is no surviving
24 spouse, to the person or persons most closely related to the
25 deceased recipient within the third degree of consanguinity as
26 defined in civil law

1 (5) Information made confidential by this section may be
2 disclosed if the holder of the record and the recipient the
3 parents of the recipient if the recipient is less than 18 years
4 of age, or the recipient's legally appointed guardian consent

5 (a) To providers of mental health services to the
6 recipient

7 (b) To the recipient or any other person or agency, provided
8 that in the judgment of the holder, the disclosure would not be
9 detrimental to the recipient or others

10 (6) Information may be disclosed in the discretion of the
11 holder of the record

12 (a) As necessary in order for the recipient to apply for or
13 receive benefits

14 (b) As necessary for the purpose of outside research evalu-
15 ation, accreditation or statistical compilation, provided that
16 the person who is the subject of the information can be identi-
17 fied from the disclosed information only when such identification
18 is essential in order to achieve the purpose for which the infor-
19 mation is sought or when preventing such identification would
20 clearly be impractical but in no event when the subject of the
21 information is likely to be harmed by such identification

22 (c) To providers of mental or other health services or a
23 public agency, when there is a compelling need for disclosure
24 based upon a substantial probability of harm to the recipient or
25 other persons

26 (7) The department or a county community mental health
27 program or licensed private facility shall grant a representative

1 of the protection and advocacy system designated by the governor
2 in compliance with section 931 access to the records of a person
3 with developmental disabilities who resides in a facility for
4 persons with developmental disabilities or a mentally ill person
5 who resides in a facility for mentally ill persons if both of the
6 following apply

7 (a) A complaint has been received by the protection and
8 advocacy system from or on behalf of the resident

9 (b) The resident does not have a legal guardian, or the
10 state or the designee of the state is the legal guardian of the
11 resident

12 (8) The records, data, and knowledge collected for or by
13 individuals or committees assigned a review function under
14 section 143a(1) are confidential, shall be used only for the pur-
15 poses of review, are not public records, and are not subject to
16 court subpoena This subsection does not prevent disclosure of
17 individual case records pursuant to this section

18 Sec 1050 ~~-(1) The court shall immediately commit any~~
19 ~~person who is acquitted of a criminal charge by reason of insan-~~
20 ~~ity to the custody of the center for forensic psychiatry for a~~
21 ~~period not to exceed 60 days The court shall forward to the~~
22 ~~center a full report, in the form of a settled record, of the~~
23 ~~facts concerning the crime which the patient was found to have~~
24 ~~committed but of which he was acquitted by reason of insanity~~
25 ~~The center shall thoroughly examine and evaluate the present~~
26 ~~mental condition of the person in order to reach an opinion on~~
27 ~~whether the person meets the criteria of a person requiring~~

~~1 treatment or for judicial admission set forth in section 401 or
2 515—~~

~~3 (2) Within the 60-day period the center shall file a report
4 with the court, prosecuting attorney, and defense counsel—The
5 report shall contain a summary of the crime which the patient
6 committed but of which he was acquitted by reason of insanity and
7 an opinion as to whether the person meets the criteria of a
8 person requiring treatment or for judicial admission as defined
9 by section 401 or 515, and the facts upon which the opinion is
10 based—If the opinion stated is that the person is a person
11 requiring treatment, the report shall be accompanied by certifi-
12 cates from 2 physicians, at least 1 of whom shall be a psychia-
13 trist, which conform to the requirements of section 400(j)—~~

~~14 (3) After receipt of the report, the court may direct the
15 prosecuting attorney to file a petition pursuant to section 434
16 or 516 for an order of hospitalization or an order of admission
17 to a facility with the probate court of the person's county of
18 residence or of the county in which the criminal trial was held—
19 Any certificates that accompanied the report of the center may be
20 filed with the petition, and shall be sufficient to cause a hear-
21 ing to be held pursuant to section 451 even if they were not exe-
22 cuted within 72 hours of the filing of the petition—The report
23 from the court containing the facts concerning the crime for
24 which he was acquitted by reason of insanity shall be admissible
25 in the hearings—~~

~~26 (4) If the report states the opinion that the person meets
27 the criteria of a person requiring treatment or for judicial~~

~~1 admission, and if a petition is to be filed pursuant to~~
~~2 subsection (3), the center may retain the person pending a hear-~~
~~3 ing on the petition. If a petition is not to be filed, the pros-~~
~~4 ecutor shall notify the center in writing. The center, upon~~
~~5 receipt of the notification, shall cause the person to be~~
~~6 discharged.~~

~~7 (5) The release provisions of sections 476 to 479 of this~~
~~8 act shall apply to a person found to have committed a crime by a~~
~~9 court or jury, but who is acquitted by reason of insanity except~~
~~10 that a person shall not be discharged or placed on leave without~~
~~11 first being evaluated and recommended for discharge or leave by~~
~~12 the department's program for forensic psychiatry, and authorized~~
~~13 leave or absence from the hospital may be extended for a period~~
~~14 of 5 years.~~ AS USED IN THIS SECTION AND IN SECTIONS 1051 TO
15 1063

16 (A) "ACQUITTEE" MEANS A PERSON ACQUITTED OF A CRIME BY
17 REASON OF INSANITY

18 (B) "AUTHORIZED COMMUNITY PLACEMENT" MEANS PLACEMENT OTHER
19 THAN STATE HOSPITALIZATION, WHICH IS ORDERED BY THE BOARD SUBJECT
20 TO CONDITIONS PRESCRIBED BY AN AUTHORIZED COMMUNITY PLACEMENT
21 TREATMENT PLAN PURSUANT TO SECTION 1057

22 (C) "BOARD" MEANS THE FORENSIC REVIEW BOARD CREATED IN SEC-
23 TION 1051

24 (D) "CENTER" MEANS THE CENTER FOR FORENSIC PSYCHIATRY ESTAB-
25 LISHED PURSUANT TO SECTION 128

26 (E) "COURT" MEANS THE CRIMINAL COURT IN WHICH A PERSON WAS
27 ACQUITTED OF A CRIMINAL CHARGE BY REASON OF INSANITY

1 (F) "CRITERIA FOR CONTINUING JURISDICTION" MEANS THE
2 CRITERIA DESCRIBED IN SECTION 1055(2) FOR JURISDICTION OF THE
3 BOARD OVER AN ACQUITTEE

4 (G) "FORENSIC LIAISON" MEANS AN EMPLOYEE OR CONTRACTEE OF A
5 COUNTY COMMUNITY MENTAL HEALTH PROGRAM WHO IS DESIGNATED BY THAT
6 COUNTY PROGRAM TO BE THE PRIMARY CONTACT WITH THE FORENSIC REVIEW
7 BOARD AND TO REPRESENT THE RESPONSIBLE COUNTY PROGRAM IN PLANNING
8 AND IMPLEMENTING TREATMENT FOR AN ACQUITTEE ON AUTHORIZED COMMU-
9 NITY PLACEMENT

10 (H) "INSANITY" MEANS THAT TERM AS DEFINED IN SECTION 21A OF
11 THE CODE OF CRIMINAL PROCEDURE ACT NO 175 OF THE PUBLIC ACTS OF
12 1927, BEING SECTION 768 21A OF THE MICHIGAN COMPILED LAWS

13 (I) "MENTAL HEALTH PROFESSIONAL" MEANS A PSYCHIATRIST, PSY-
14 CHOLOGIST, SOCIAL WORKER, OR NURSE TRAINED AND EXPERIENCED IN THE
15 AREA OF MENTAL ILLNESS OR DEVELOPMENTAL DISABILITY

16 (J) "MENTAL ILLNESS" MEANS A SUBSTANTIAL DISORDER OF THOUGHT
17 OR MOOD THAT SIGNIFICANTLY IMPAIRS JUDGMENT, BEHAVIOR, CAPACITY
18 TO RECOGNIZE REALITY, OR ABILITY TO COPE WITH THE ORDINARY
19 DEMANDS OF LIFE MENTAL ILLNESS INCLUDES A SUBSTANTIAL DISORDER
20 OF THOUGHT OR MOOD IN A STATE OF REMISSION THAT MAY, WITH REASON-
21 ABLE CLINICAL PROBABILITY, BECOME MORE ACTIVE WITHOUT CONTINUED
22 TREATMENT

23 (K) "MENTAL RETARDATION" MEANS SIGNIFICANTLY SUBAVERAGE GEN-
24 ERAL INTELLECTUAL FUNCTIONING THAT ORIGINATES DURING THE DEVELOP-
25 MENTAL PERIOD AND IS ASSOCIATED WITH IMPAIRMENT IN ADAPTIVE
26 BEHAVIOR

1 (1) "PEACE OFFICER" MEANS THAT TERM AS DEFINED IN
2 SECTION 400

3 (M) "PROSECUTING ATTORNEY" MEANS THE PROSECUTING ATTORNEY
4 FOR THE COUNTY IN WHICH THE CRIMINAL TRIAL WAS HELD AT WHICH AN
5 ACQUITTEE WAS FOUND NOT GUILTY BY REASON OF INSANITY

6 (N) "RESPONSIBLE COUNTY PROGRAM" MEANS THAT COUNTY COMMUNITY
7 MENTAL HEALTH PROGRAM DESIGNATED PURSUANT TO SECTION 243 AS
8 RESPONSIBLE FOR SUPERVISION OF AN ACQUITTEE RECEIVING AUTHORIZED
9 COMMUNITY PLACEMENT

10 SEC 1051 (1) THE FORENSIC REVIEW BOARD IS CREATED AS AN
11 AGENCY IN THE DEPARTMENT OF MENTAL HEALTH THE BOARD SHALL EXER-
12 CISE ITS STATUTORY POWERS AND DUTIES INDEPENDENTLY OF THE DIREC-
13 TOR OF MENTAL HEALTH, EXCEPT THAT BUDGETING, PROCUREMENT, AND
14 RELATED MANAGEMENT FUNCTIONS SHALL BE PERFORMED UNDER THE DIREC-
15 TION AND SUPERVISION OF THE DIRECTOR OF MENTAL HEALTH THE
16 DEPARTMENT SHALL PROVIDE STAFF TO ASSIST THE BOARD IN CARRYING
17 OUT ITS STATUTORY POWERS AND DUTIES

18 (2) THE BOARD SHALL CONSIST OF ALL OF THE FOLLOWING MEMBERS
19 APPOINTED BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE
20 SENATE, NO MORE THAN 2 OF WHOM MAY BE EMPLOYEES OF THE STATE

21 (A) A PSYCHIATRIST CERTIFIED BY THE AMERICAN BOARD OF PSY-
22 CHIATRY AND NEUROLOGY WITH AT LEAST 5 YEARS OF EXPERIENCE IN
23 FORENSIC MENTAL HEALTH SERVICES

24 (B) A FULLY LICENSED, DOCTORAL LEVEL CLINICAL PSYCHOLOGIST
25 WITH AT LEAST 5 YEARS OF EXPERIENCE IN FORENSIC MENTAL HEALTH
26 SERVICES

1 (C) A CERTIFIED SOCIAL WORKER WITH AT LEAST 5 YEARS OF
2 EXPERIENCE IN FORENSIC MENTAL HEALTH SERVICES

3 (D) AN INDIVIDUAL WITH AT LEAST 5 YEARS OF EXPERIENCE IN THE
4 PROCESSES OF PAROLE AND PROBATION

5 (E) AN INDIVIDUAL WITH AT LEAST 5 YEARS OF EXPERIENCE IN THE
6 DELIVERY OF COMMUNITY-BASED MENTAL HEALTH SERVICES

7 (3) THE TERM OF OFFICE OF EACH MEMBER OF THE BOARD IS 4
8 YEARS, EXCEPT THAT, OF THE MEMBERS FIRST APPOINTED, 1 MEMBER
9 SHALL BE APPOINTED FOR A 1-YEAR TERM, 1 MEMBER SHALL BE APPOINTED
10 FOR A 2-YEAR TERM, 1 MEMBER SHALL BE APPOINTED FOR A 3-YEAR TERM,
11 AND 2 MEMBERS SHALL BE APPOINTED FOR 4-YEAR TERMS A MEMBER MAY
12 BE REAPPOINTED IF THERE IS A VACANCY FOR ANY CAUSE THE GOVER-
13 NOR SHALL MAKE AN APPOINTMENT TO BECOME IMMEDIATELY EFFECTIVE FOR
14 THE UNEXPIRED TERM THE GOVERNOR AT ANY TIME MAY REMOVE A MEMBER
15 OF THE BOARD FOR INEFFICIENCY, NEGLECT OF DUTY, OR MALFEASANCE IN
16 OFFICE

17 (4) THE BOARD SHALL SELECT 1 OF ITS MEMBERS AS CHAIRPERSON
18 TO SERVE FOR A 1-YEAR TERM WITH SUCH DUTIES AND POWERS AS THE
19 BOARD DETERMINES

20 (5) A MAJORITY OF THE VOTING MEMBERS OF THE BOARD CONSTI-
21 TUTES A QUORUM FOR THE TRANSACTION OF BUSINESS THE BOARD SHALL
22 MEET AT LEAST ONCE EVERY WEEK, UNLESS THE CHAIRPERSON DETERMINES
23 THAT THERE IS NOT SUFFICIENT BUSINESS BEFORE THE BOARD TO WARRANT
24 A MEETING AT THE SCHEDULED TIME THE BOARD SHALL ALSO MEET AT
25 OTHER TIMES AND PLACES SPECIFIED BY THE CALL OF THE CHAIRPERSON
26 OR OF A MAJORITY OF THE MEMBERS OF THE BOARD

1 (6) BOARD MEMBERS SHALL RECEIVE PER DIEM COMPENSATION AND
2 REIMBURSEMENT FOR EXPENSES ACCORDING TO POLICIES OF THE
3 DEPARTMENT OF MANAGEMENT AND BUDGET

4 (7) ADMINISTRATIVE MEETINGS OF THE BOARD AND THE EVIDENTIARY
5 PHASE OF BOARD HEARINGS ARE SUBJECT TO THE OPEN MEETINGS ACT, ACT
6 NO 267 OF THE PUBLIC ACTS OF 1976, BEING SECTIONS 15 261 TO
7 15 275 OF THE MICHIGAN COMPILED LAWS

8 SEC 1052 (1) THE BOARD MAY DO ALL OF THE FOLLOWING

9 (A) CONSULT WITH EXPERTS IF APPROPRIATE IN ORDER TO CARRY
10 OUT ITS RESPONSIBILITIES

11 (B) ADMINISTER OATHS, SUBPOENA WITNESSES, AND EXAMINE BOOKS
12 AND RECORDS OF A PERSON, PARTNERSHIP, OR CORPORATION INVOLVED IN
13 A MATTER PROPERLY BEFORE THE BOARD

14 (C) IMPLEMENT ITS POLICIES, SET OUT ITS PROCEDURE AND PRAC-
15 TICE REQUIREMENTS, AND PROMULGATE RULES IT CONSIDERS NECESSARY OR
16 APPROPRIATE TO CARRY OUT ITS STATUTORY RESPONSIBILITIES

17 (2) THE BOARD SHALL DO ALL OF THE FOLLOWING

18 (A) IN EXERCISING JURISDICTION OVER AN ACQUITTEE WITH MENTAL
19 RETARDATION, CONSULT WITH A CLINICAL PSYCHOLOGIST WITH AT LEAST 5
20 YEARS OF EXPERIENCE IN THE MANAGEMENT OF INDIVIDUALS WITH DEVEL-
21 OPMENTAL DISABILITY

22 (B) MAINTAIN AND KEEP CURRENT THE MEDICAL, SOCIAL, AND CRIM-
23 INAL HISTORY OF ALL ACQUITTEES COMMITTED TO ITS JURISDICTION
24 THE CONFIDENTIALITY OF RECORDS MAINTAINED BY THE BOARD SHALL BE
25 DETERMINED PURSUANT TO SECTION 748

26 (C) PROMULGATE RULES SETTING FORTH STANDARDS FOR THE BOARD'S
27 DECISION AS TO WHETHER THE COUNTY COMMUNITY MENTAL HEALTH BOARD

1 JURISDICTIONALLY RESPONSIBLE FOR SUPERVISION OF AN ACQUITTEE ON
2 AUTHORIZED COMMUNITY PLACEMENT PURSUANT TO SECTION 243(1) SHOULD
3 BE RELEASED FROM THE DUTY TO PROVIDE SUPERVISION OF AN ACQUITTEE
4 RECEIVING AUTHORIZED COMMUNITY PLACEMENT OR REPLACED BY ANOTHER
5 COUNTY COMMUNITY MENTAL HEALTH BOARD BETTER SUITED TO PROVIDE THE
6 SUPERVISION

7 (D) MONITOR AND EVALUATE AUTHORIZED COMMUNITY PLACEMENT PRO-
8 GRAMS TO ENSURE ADEQUATE PROTECTION OF THE PUBLIC AND SUITABILITY
9 OF TREATMENT FOR ACQUITTEES

10 (E) REPORT TO THE LEGISLATURE ANNUALLY ON THE NUMBER OF
11 ACQUITTEES OVER WHOM IT HAS EXERCISED JURISDICTION, THE LENGTH OF
12 BOARD JURISDICTION FOR EACH ACQUITTEE, THE DISPOSITION OF EACH
13 ACQUITTEE, AND THE COST OF CARE AND TREATMENT FOR ALL ACQUITTEES
14 UNDER ITS JURISDICTION DURING THE FISCAL YEAR