

SUBSTITUTE FOR
SENATE BILL NO. 231

A bill to amend 1974 PA 258, entitled
"Mental health code,"
by amending section 742 (MCL 330.1742), as amended by 1996
PA 588.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 742. (1) Seclusion shall be used only in a hospital,
2 ~~or a center, or in~~ a child caring institution licensed under
3 ~~Act No. 116 of the Public Acts of 1973, being sections 722.111~~
4 ~~to 722.128 of the Michigan Compiled Laws~~ **1973 PA 116, MCL**
5 **722.111 to 722.128.** A resident ~~or an individual~~ placed in a
6 ~~child caring institution~~ **hospital or center** shall not be kept
7 in seclusion except in the circumstances and under the conditions
8 set forth in this section.

9 (2) A minor placed in a child caring institution shall not be
10 placed or kept in seclusion except as provided in 1973 PA 116,

1 MCL 722.111 to 722.128, or rules promulgated under that act.

2 (3) ~~-(2)-~~ A resident may be placed in seclusion only as
3 provided under subsection ~~-(3), (4), or (5)-~~ (4), (5), or (6) and
4 only if it is essential in order to prevent the resident from
5 physically harming others, or in order to prevent the resident
6 from causing substantial property damage.

7 (4) ~~-(3)-~~ Seclusion may be temporarily employed for a maximum
8 of 30 minutes in an emergency without an authorization or an
9 order. Immediately after the resident is placed in temporary
10 seclusion, a physician shall be contacted. If, after being
11 contacted, the physician does not authorize or order the
12 seclusion, the resident shall be removed from seclusion.

13 (5) ~~-(4)-~~ A resident may be placed in seclusion under an
14 authorization by a physician. Authorized seclusion shall
15 continue only until a physician can personally examine the
16 resident or for 1 hour, whichever is less.

17 (6) ~~-(5)-~~ A resident may be placed in seclusion under an
18 order of a physician made after personal examination of the
19 resident to determine if the ordered seclusion poses an undue
20 health risk to the resident. Ordered seclusion shall continue
21 only for that period of time specified in the order or for 8
22 hours, whichever is less. An order for a minor shall continue
23 for a maximum of 4 hours.

24 (7) ~~-(6)-~~ A secluded resident shall continue to receive food,
25 shall remain clothed unless his or her actions make it
26 impractical or inadvisable, shall be kept in sanitary conditions,
27 and shall be provided a bed or similar piece of furniture unless

1 his or her actions make it impractical or inadvisable.

2 **(8)** ~~-(7)-~~ A secluded resident shall be released from
3 seclusion whenever the circumstance that justified its use ceases
4 to exist.

5 **(9)** ~~-(8)-~~ Each instance of seclusion requires full
6 justification for its use, and the results of each periodic
7 examination shall be placed promptly in the record of the
8 resident.

9 **(10)** ~~-(9)-~~ If a resident is secluded repeatedly, the
10 resident's individual plan of services shall be reviewed and
11 modified to facilitate the reduced use of seclusion.