

HOUSE BILL No. 6326

September 6, 2018, Introduced by Rep. Whiteford and referred to the Committee on Health Policy.

A bill to provide for licensing of adult residential psychiatric programs; to allow for psychiatric services to be provided in residential facilities; to provide for the powers and duties of certain state departments and agencies; to prescribe certain fees; and to provide for penalties and remedies.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. As used in this act:

2 (a) "Accommodations" means housing, daily meal preparation,
3 laundry, housekeeping, arranging for transportation, social and
4 recreational activities, maintenance, security, and other services
5 that are not personal care services or skilled nursing care.

6 (b) "Activities of daily living" means tasks usually performed
7 in the course of a normal day in a resident's life that include
8 eating, walking, mobility, dressing, grooming, bathing, toileting,

1 and transferring.

2 (c) "Adult" means an individual who is 18 years of age or
3 older, other than an individual described in subsection (e) who is
4 between 18 and 21 years of age.

5 (d) "Adult foster care facility" means that term as defined in
6 section 3 of the adult foster care facility licensing act, 1979 PA
7 218, MCL 400.703.

8 (e) "Child" means an individual who is under 18 years of age
9 or an individual with a mental disability who is under 21 years of
10 age.

11 (f) "Child care organization" means that term as defined in
12 section 1 of 1973 PA 116, MCL 722.111.

13 (g) "Community mental health services program" means that term
14 as defined in section 100a of the mental health code, 1974 PA 258,
15 MCL 330.1100a.

16 (h) "Department" means the department of licensing and
17 regulatory affairs.

18 (i) "Director" means the director of the department.

19 (j) "Operator" means the person, firm, partnership, agency,
20 governing body, association, corporation, or other entity that is
21 responsible for the administration and management of a residential
22 treatment facility and that is the applicant for a residential
23 treatment facility license.

24 (k) "Personal care services" means services including, but not
25 limited to, assisting residents with activities of daily living,
26 assisting residents with self-administration of medication in
27 accordance with rules promulgated under this act, and preparing

1 special diets, other than complex therapeutic diets, for residents
2 according to the instructions of a physician or a licensed
3 dietitian and in accordance with rules promulgated under this act.
4 Personal care services does not include skilled nursing care. A
5 residential treatment facility does not need to provide more than 1
6 of the services listed to be considered a provider of personal care
7 services.

8 (l) "Qualified case manager" means 1 or more of the following:

9 (i) A licensed bachelor's social worker licensed or otherwise
10 authorized to engage in the practice of social work at the
11 bachelor's level under part 185 of the public health code, 1978 PA
12 368, MCL 333.18501 to 333.18518.

13 (ii) A licensed master's social worker licensed or otherwise
14 authorized to engage in the practice of social work at the master's
15 level under part 185 of the public health code, 1978 PA 368, MCL
16 333.18501 to 333.18518.

17 (iii) A registered nurse with a bachelor of science licensed
18 under part 172 of the public health code, 1978 PA 368, MCL
19 333.17201 to 333.17242.

20 (iv) A fully licensed psychologist or limited licensed
21 psychologist licensed under part 182 of the public health code,
22 1978 PA 368, MCL 333.18201 to 333.18237.

23 (m) "Qualified mental health clinician" means 1 or more of the
24 following:

25 (i) A licensed master's social worker licensed or otherwise
26 authorized to engage in the practice of social work at the master's
27 level under part 185 of the public health code, 1978 PA 368, MCL

1 333.18501 to 333.18518.

2 (ii) A fully licensed psychologist or limited licensed
3 psychologist licensed under part 182 of the public health code,
4 1978 PA 368, MCL 333.18201 to 333.18237.

5 (iii) A psychiatrist licensed under part 170 or 175 of the
6 public health code, 1978 PA 368, MCL 333.17001 to 333.17084 and
7 333.17501 to 333.17556.

8 (n) "Residential psychiatric care" means active psychiatric
9 treatment provided in a residential treatment facility to an
10 individual with a persistent pattern of emotional, psychological,
11 or behavioral dysfunction of a severity that requires 24-hour
12 supervised care to adequately treat or remedy the individual's
13 condition. Residential psychiatric care is individualized and
14 designed to achieve the individual's discharge to a less
15 restrictive level of care at the earliest possible time.

16 (o) "Residential psychiatric program" means a program that is
17 publicly or privately operated that provides a combination of
18 residential, nutritional, supervisory, and personal care services,
19 combined with mental health and psychiatric services in a
20 comprehensive residential treatment setting.

21 (p) "Residential treatment facility" means a facility operated
22 for the primary purpose of providing residential psychiatric care
23 to individuals. A residential psychiatric facility does not include
24 any of the following:

25 (i) A psychiatric hospital as that term is defined in section
26 100b of the mental health code, 1974 PA 258, MCL 330.1100b, or a
27 psychiatric unit as that term is defined in section 100c of the

1 mental health code, 1974 PA 258, MCL 330.1100c.

2 (ii) An adult foster care facility.

3 (iii) A child care organization.

4 (iv) A hospice facility licensed under part 214 of the public
5 health code, 1978 PA 368, MCL 333.21401 to 333.21420.

6 (v) A nursing home licensed under part 217 of the public
7 health code, 1978 PA 368, MCL 333.21701 to 333.21799e, or a home
8 for the aged licensed under part 213 of the public health code,
9 1978 PA 368, MCL 333.21301 to 333.21335.

10 (vi) A facility licensed under part 62 of the public health
11 code, 1978 PA 368, MCL 333.6230 to 333.6251, to provide methadone
12 treatment.

13 (vii) A veterans facility created under 1885 PA 152, MCL 36.1
14 to 36.12.

15 (viii) The residence of a relative or guardian of a person
16 with mental illness.

17 (q) "Room and board" means providing sleeping and living
18 space, meals or meal preparation, laundry services, housekeeping
19 services, or any combination of these.

20 (r) "Skilled nursing care" means providing nursing care
21 services, health-related services, and social services under the
22 supervision of a licensed registered nurse on a 24-hour basis.

23 (s) "Supervision" means 1 or more of the following:

24 (i) Observing a resident to ensure his or her health, safety,
25 and welfare while the resident engages in activities of daily
26 living or other activities.

27 (ii) Reminding a resident to perform or complete an activity,

1 such as reminding a resident to engage in personal hygiene or other
2 self-care activity.

3 (iii) Assisting a resident in making or keeping an
4 appointment.

5 (t) "Unrelated" means that a resident is not related to the
6 owner or operator of a residential psychiatric program or to the
7 owner's or operator's spouse as a parent, grandparent, child,
8 stepchild, grandchild, brother, sister, niece, nephew, aunt, or
9 uncle, or as the child of an aunt or uncle.

10 Sec. 3. (1) A residential treatment facility offers
11 residential psychiatric care in a program designed to treat an
12 adult with a mental illness and associated or co-occurring medical
13 condition, if any.

14 (2) A residential psychiatric program must meet 1 of the
15 following within 3 years after initial licensure and must maintain
16 the following while licensed:

17 (a) The standards pertaining to residential services contained
18 in the "Comprehensive Accreditation Manual for Behavioral Health
19 Care" published by the Joint Commission.

20 (b) The behavioral health standards pertaining to residential
21 treatment published by CARF International.

22 (c) The standards of a similar organization approved by the
23 director.

24 (3) A class 1 adult residential psychiatric program is a sub-
25 acute program for persons of high acuity who do not meet criteria
26 for inpatient psychiatric hospitalization, where services are
27 provided in 1 or more residential treatment facilities of between 5

1 and 20 unrelated adults per residential treatment facility. The
2 residential treatment facility may have alarms on interior or exit
3 doors and windows to alert staff to potential elopement, but any
4 other physical restraint is limited to the minimum necessary to
5 keep the resident, other residents, and staff safe until an
6 emergency responder or law enforcement officer arrives. The care
7 provided at a class 1 adult residential psychiatric program
8 includes the following:

9 (a) Psychiatric supervision including medication management.

10 (b) Multidisciplinary assessment, treatment planning, and
11 treatment monitoring.

12 (c) Case management by a qualified case manager at least once
13 per week.

14 (d) Individual verbal therapy appropriate to the resident's
15 needs at least 1 hour per week.

16 (e) Daily evaluation by a qualified mental health clinician.

17 (f) Nursing services by a registered nurse Monday through
18 Friday and available 24 hours per day as needed.

19 (g) Behavioral and social support services provided by a
20 qualified mental health clinician available 24 hours per day, 7
21 days per week who can initiate or direct positive intervention
22 needed for the de-escalation or other resolution of a behavioral
23 crisis, including 1-to-1 monitoring or line of sight monitoring, in
24 the least restrictive manner possible.

25 (h) Multidisciplinary treatment program with groups that are
26 designed to treat the resident's symptoms 6 hours per day Monday
27 through Friday and 4 hours per day on weekends and holidays.

1 (i) Recreational and leisure activity as needed and desired by
2 the resident.

3 (j) Family participation and verbal therapy as needed and
4 desired by the resident and family.

5 (k) Trained and awake direct care staff on site 24 hours per
6 day, 7 days per week.

7 (l) Medication prescribed by a licensed psychiatrist,
8 physician, or dentist that are given, administered, applied, and
9 supervised by trained support staff, an administrator, a registered
10 nurse, or clinical staff. Medication described in this section must
11 be secured in a double-locked medication storage location that
12 follows all medication management protocols.

13 (4) A class 2 adult residential psychiatric program is a
14 program for an individual with moderate to high acuity, but who
15 does not need the level of care described in class 1, provided in 1
16 or more residential treatment facilities of between 5 and 20
17 unrelated adults per residential treatment facility. The
18 residential treatment facility may have alarms on interior or exit
19 doors and windows to alert staff to potential elopement, but any
20 other physical restraint is limited to the minimum necessary to
21 keep the resident, other residents, and staff safe until an
22 emergency responder or law enforcement officer arrives. The care
23 provided at a class 2 adult residential psychiatric program
24 includes the following:

25 (a) Psychiatric supervision including medication management.

26 (b) Multidisciplinary assessment, treatment planning, and
27 treatment monitoring.

1 (c) Case management by a qualified case manager at least once
2 per week.

3 (d) Individual verbal therapy provided as recommended by a
4 psychiatrist as appropriate to the resident's needs.

5 (e) Weekly evaluation by a qualified mental health clinician.

6 (f) Nursing services by a registered nurse Monday through
7 Friday and available 24 hours per day as needed.

8 (g) Behavioral and social support services provided by a
9 qualified mental health clinician available 24 hours per day, 7
10 days per week who can initiate or direct positive intervention for
11 the de-escalation or other resolution of a behavioral crisis.

12 (h) Multidisciplinary treatment program with groups that are
13 designed to treat the resident's symptoms 4 hours per day Monday
14 through Friday and 2 hours per day on weekends and holidays.

15 (i) Recreational and leisure activity as needed and desired by
16 the resident.

17 (j) Family participation and verbal therapy as needed and
18 desired by the resident and family.

19 (k) Trained and awake direct care staff on site 24 hours per
20 day, 7 days per week.

21 (l) Vocational counseling and support as needed and desired by
22 the resident. Availability of a certified or licensed mental health
23 professional on site or on-call 24 hours per day, 7 days per week
24 to initiate positive intervention as needed, including 1-to-1
25 monitoring or line of sight monitoring in the least restrictive
26 manner for the duration of a necessary crisis intervention.

27 (m) Medication prescribed by a licensed psychiatrist,

1 physician, or dentist that are given, administered, applied, and
2 supervised by trained support staff, an administrator, a registered
3 nurse, or clinical staff. Medication described in this subdivision
4 must be secured in a double locked medication storage location that
5 follows all medication management protocols.

6 (5) Subsection (1) does not permit personal care services to
7 be imposed on a resident who is capable of performing the activity
8 in question without assistance.

9 (6) Except in a residential treatment facility with a class 1
10 adult residential psychiatric program, members of the staff shall
11 not administer medication to residents, but may do any of the
12 following:

13 (a) Remind a resident when to take medication and watch to
14 ensure that the resident follows the directions on the container.

15 (b) Assist a resident in the self-administration of medication
16 by taking the medication from the locked area where it is stored,
17 in accordance with rules promulgated under this act, and handing it
18 to the resident. If the resident is physically unable to open the
19 container, a staff member may open the container for the resident.

20 (c) Assist a physically impaired but mentally alert resident,
21 including, but not limited to, a resident with arthritis, cerebral
22 palsy, or Parkinson's disease, in removing oral or topical
23 medication from a container and in consuming or applying the
24 medication, upon request by or with the consent of the resident. If
25 a resident is physically unable to place a dose of medicine to his
26 or her own mouth without spilling it, a staff member may place the
27 dose in a container and place the container to the mouth of the

1 resident.

2 Sec. 5. A separate residential treatment program license is
3 not required for a separate building on the same campus or
4 immediately contiguous property if the building is utilized to
5 provide residential psychiatric care under the same management.

6 Sec. 7. (1) Except as provided in subsection (2), a person
7 operating or seeking to operate a residential treatment facility
8 shall apply for licensure of a residential psychiatric program to
9 the department. The application must be submitted by the operator.
10 When applying for the license, the applicant must pay the
11 department the application fee specified in rules promulgated under
12 this act. The fee is nonrefundable.

13 (2) A person may not apply for a license to operate a
14 residential psychiatric program if the person is or has been the
15 owner, operator, or manager of a residential psychiatric program
16 for which a license to operate was revoked or for which renewal of
17 a license was refused for any reason other than nonpayment of the
18 license renewal fee, unless both of the following conditions are
19 met:

20 (a) A period of not less than 2 years has elapsed since the
21 date the director issued the order revoking or refusing to renew
22 the residential psychiatric program's license.

23 (b) The director's revocation or refusal to renew the license
24 was not based on an act or omission in the residential psychiatric
25 program that violated a resident's right to be free from abuse,
26 neglect, or exploitation.

27 Sec. 9. (1) The department must inspect and license the

1 operation of the residential psychiatric program. The department
2 must consider the past record of the residential psychiatric
3 program and the applicant or licensee in making the licensure
4 decision.

5 (2) The department may issue a full, probationary, or interim
6 license. A full license expires up to 3 years after the date of
7 issuance, a probationary license expires in a shorter period of
8 time as specified in rules promulgated under this act, and an
9 interim license expires 90 days after the date of issuance. A
10 license may be renewed in accordance with rules promulgated under
11 this act. The renewal application must be submitted by the
12 operator. When applying for renewal of a license, the applicant
13 must pay to the department the renewal fee specified in rules
14 promulgated under this act. The fee is nonrefundable.

15 (3) The department may issue an order to suspend admitting
16 residents to the residential psychiatric program or refuse to issue
17 or renew and may revoke a license if the department finds 1 or more
18 of the following:

19 (a) The residential psychiatric program is not in compliance
20 with rules promulgated under this act.

21 (b) A residential psychiatric program operated by the
22 applicant or licensee has been cited for a pattern of serious
23 noncompliance or repeated violations of statutes or rules during
24 the period of current or previous licensure.

25 (c) The applicant or licensee submits false or misleading
26 information as part of a license application, renewal, or
27 investigation.

1 (4) A proceeding initiated to deny an application for a full
2 or probationary license or to revoke a full or probationary license
3 shall proceed in the manner provided under section 22 of the adult
4 foster care facility licensing act, 1979 PA 218, MCL 400.722. An
5 order issued under subsection (3) remains in effect during the
6 pendency of a proceeding under this subsection.

7 (5) The department may issue an interim license to operate a
8 residential psychiatric program if both of the following conditions
9 are met:

10 (a) The department determines that the closing of or the need
11 to remove residents from another residential psychiatric program
12 has created an emergency situation requiring immediate removal of
13 residents and an insufficient residential psychiatric program
14 availability.

15 (b) The residential treatment facility applying for an interim
16 license meets standards established for interim licenses in rules
17 promulgated under this act.

18 (6) An interim license is valid for 90 days and may be renewed
19 by the director no more than twice. A proceeding initiated to deny
20 an application for or to revoke an interim license under subsection
21 (4) is not subject to the provisions of section 22 of the adult
22 foster care facility licensing act, 1979 PA 218, MCL 400.722.

23 Sec. 11. (1) The department may conduct an inspection of a
24 residential psychiatric program as follows:

25 (a) Before issuing a license for the residential psychiatric
26 program.

27 (b) Before renewing a residential psychiatric program's

1 license.

2 (c) To determine whether the residential psychiatric program
3 has completed a plan of correction required under subdivision (2)
4 and corrected deficiencies to the satisfaction of the department
5 and in compliance with this act and rules promulgated under this
6 act.

7 (d) Upon a complaint by an individual or agency.

8 (e) At any time the director considers an inspection is
9 necessary in order to determine whether the residential treatment
10 facility is in compliance with this act and rules promulgated under
11 this act.

12 (2) In conducting an inspection under this act, the department
13 may conduct an on-site examination and evaluation of the
14 residential treatment facility and the residential psychiatric
15 program, its personnel, activities, and services. The department
16 must have access to examine and copy all records, accounts, and any
17 other documents relating to operating the residential treatment
18 facility, including records pertaining to residents, and must have
19 access to the residential treatment facility and the residential
20 psychiatric program in order to conduct interviews with the
21 operator, staff, and residents. Following each inspection and
22 review, the department shall complete a report listing any
23 deficiencies, and including, when appropriate, a time table within
24 which the operator must correct the deficiencies. The department
25 may require the operator to submit a plan of correction describing
26 how the deficiencies will be corrected.

27 Sec. 13. An operator shall not do any of the following:

1 (a) Operate a residential psychiatric program unless the
2 person holds a valid license for that residential psychiatric
3 program.

4 (b) Violate any of the conditions of licensure after having
5 been granted a license.

6 (c) Interfere with a state or local official's inspection or
7 investigation of a residential psychiatric program.

8 (d) Violate any of the provisions of this act or rules
9 promulgated under this act.

10 Sec. 15. (1) The following individuals may enter a residential
11 treatment facility at any time:

12 (a) A department employee designated by the director.

13 (b) An employee of a community mental health services program
14 if the community mental health services program has an individual
15 receiving services residing in the facility.

16 (2) The individuals specified in subsection (1) must be given
17 access to examine and copy all records, accounts, and documents
18 relating to operating the residential treatment facility,
19 including, but not limited to, records pertaining to residents.

20 (3) For the purpose of investigation, an employee of the
21 department may enter an institution, residence, facility, or other
22 structure that has been reported to the department as, or that the
23 department has reasonable cause to believe is, operating as a
24 residential psychiatric program without a valid license.

25 Sec. 17. (1) The department may withhold the source of a
26 complaint reported as a violation of this act if the department
27 determines that disclosure could be detrimental to the department's

1 purposes or could jeopardize the investigation. The department may
2 disclose the source of a complaint if the complainant agrees in
3 writing to disclosure and must disclose the source upon order by a
4 court.

5 (2) A person who makes a complaint under this act, or a person
6 who participates in an administrative or judicial proceeding
7 resulting from a complaint under this act, is immune from civil
8 liability and is not subject to criminal prosecution, other than
9 for perjury, unless the person has acted in bad faith or with
10 malicious purpose.

11 Sec. 19. (1) The director may petition the court of the county
12 in which a residential treatment facility is located for an order
13 enjoining a person from operating a residential psychiatric program
14 without a license if, in the director's judgment, there is a
15 present danger to the health or safety of any of the program
16 participants. The court has jurisdiction to grant injunctive relief
17 upon a showing that the respondent named in the petition is
18 operating a residential psychiatric program without a license or
19 there is a present danger to the health or safety of any of the
20 program participants.

21 (2) When the court grants injunctive relief in the case of a
22 residential psychiatric program operating without a license, the
23 court shall issue, at a minimum, an order enjoining the residential
24 psychiatric program from admitting new participants and an order
25 requiring the residential psychiatric program to assist with the
26 safe and orderly relocation of the residential psychiatric
27 program's participants.

1 (3) If injunctive relief is granted against a residential
2 psychiatric program for operating without a license and the
3 residential psychiatric program continues to operate without a
4 license, the director shall refer the case to the attorney general
5 for further action.

6 Sec. 21. (1) The department shall promulgate rules to
7 implement this act according to the administrative procedures act
8 of 1969, 1969 PA 306, MCL 24.201 to 24.328.

9 (2) The director may fine a person for violating this act. The
10 fine shall be \$500.00 for a first offense and \$1,000.00 for each
11 subsequent offense.

12 Sec. 23. (1) Upon petition by the director, the court may
13 appoint a receiver to take possession of and operate a residential
14 treatment facility licensed under this act as a residential
15 psychiatric program, when conditions existing at the residential
16 treatment facility or in the residential psychiatric program
17 present a substantial risk of physical or mental harm to residents
18 and no other remedies of law are adequate to protect the health,
19 safety, and welfare of the residents.

20 (2) Petitions filed under this section must include all of the
21 following:

22 (a) A description of the specific conditions that present a
23 substantial risk of physical or mental harm to residents.

24 (b) A statement of the absence of other adequate remedies of
25 law.

26 (c) The number of residents at the residential treatment
27 facility.

1 (d) A statement that the facts have been brought to the
2 attention of the owner or licensee and that conditions have not
3 been remedied within a reasonable period of time or that the
4 conditions, though remedied periodically, habitually exist at the
5 residential treatment facility as a pattern or practice.

6 (e) The name and address of the person holding the license for
7 the residential treatment facility.

8 (3) A court in which a petition is filed under this section
9 shall give notice regarding the filing to the person holding the
10 license for the residential psychiatric program. The department
11 shall send notice of the filing to the following, as appropriate:
12 the facility owner; facility operator; facility residents; and
13 residents' families and guardians.

14 (4) The court must provide a hearing on the petition within 5
15 business days after the time the petition was filed, except that
16 the court may appoint a receiver before the time the court
17 determines that the circumstances necessitate appointing a
18 receiver.

19 (5) Following a hearing on the petition, and upon a
20 determination that the appointment of a receiver is warranted, the
21 court shall appoint a receiver and notify the department and
22 appropriate persons of this action.

23 (6) In setting forth the powers of the receiver, the court may
24 generally authorize the receiver to do all that is prudent and
25 necessary to safely and efficiently operate the residential
26 psychiatric program within the requirements of state and federal
27 law, but shall require the receiver to obtain court approval before

1 making a single expenditure of more than \$5,000.00 to correct
2 deficiencies in the structure or furnishings of a facility. The
3 court shall closely review the conduct of the receiver and shall
4 require regular and detailed reports.

5 (7) A receivership established under this section shall be
6 terminated, following notification of the appropriate parties and a
7 hearing, if the court determines either of the following:

8 (a) The residential psychiatric program has been closed and
9 the former residents have been relocated to an appropriate
10 facility.

11 (b) Circumstances no longer exist at the residential treatment
12 facility that present a substantial risk of physical or mental harm
13 to residents, and there is no deficiency in the residential
14 psychiatric program that is likely to create a future risk of harm.

15 (8) Notwithstanding subsection 7(b), the court shall not
16 terminate a receivership for a residential treatment facility that
17 has previously operated under another receivership unless the
18 responsibility for the operation of the residential treatment
19 facility is transferred to an operator approved by the court and
20 the department.

21 (9) Except for the department, no party or person interested
22 in an action shall be appointed a receiver under this section. To
23 assist the court in identifying a person qualified to be named as a
24 receiver, the director shall maintain a list of the names of
25 qualified receivers. The department shall provide technical
26 assistance to a receiver appointed under this section.

27 (10) Before entering upon the duties of receiver, the receiver

1 must be sworn to perform the duties faithfully, and, with surety
2 approved by the court, judge, or clerk, execute a bond to the
3 person, and in a sum as the court directs, to the effect that the
4 receiver will faithfully discharge the duties of receiver in the
5 action, and obey the order of the court.

6 (11) Under the control of the appointing court, a receiver may
7 do the following:

8 (a) Bring and defend an action in the appointee's name as
9 receiver.

10 (b) Take and keep possession of property.

11 (12) The court shall authorize the receiver to do all of the
12 following:

13 (a) Collect payment for all goods and services provided to the
14 residents or others during the period of the receivership at the
15 same rate as was charged by the licensee at the time the petition
16 for receivership was filed, unless a different rate is set by the
17 court.

18 (b) Honor all leases, mortgages, and secured transactions
19 governing all buildings, goods, and fixtures of which the receiver
20 has taken possession, but, in the case of a rental agreement, only
21 to the extent of payments that are for the use of the property
22 during the period of the receivership, or, in the case of a
23 purchase agreement, only to the extent that payments become due
24 during the period of the receivership.

25 (c) If transfer of residents is necessary, provide for the
26 orderly transfer of residents by doing any of the following:

27 (i) Cooperating with all appropriate state and local agencies

1 in carrying out the transfer of residents to alternative community
2 placements.

3 (ii) Providing for the transportation of residents' belongings
4 and records.

5 (iii) Helping to locate alternative placements and develop
6 plans for transfer.

7 (iv) Encouraging residents or guardians to participate in
8 transfer planning except if an emergency exists and immediate
9 transfer is necessary.

10 (d) Make periodic reports on the status of the residential
11 treatment facility to the court and the appropriate state agencies.
12 Each report must be made available to residents, their guardians,
13 and their families.

14 (e) Compromise demands or claims.

15 (f) Generally perform acts respecting the residential
16 treatment facility as the court authorizes.

17 (13) Notwithstanding any other provision of law, a contract
18 necessary to carry out the powers and duties of the receiver does
19 not need to be competitively bid.

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