

HOUSE BILL NO. 4414

March 02, 2021, Introduced by Reps. LaFave, Markkanen, Allor, Whiteford, Cambensy, Paquette, LaGrand, Bezotte, Borton, O'Malley, Posthumus, Rendon, Bellino, Coleman, Slagh, Peterson and Yaroch and referred to the Committee on Health Policy.

A bill to amend 1974 PA 258, entitled "Mental health code," by amending sections 100d, 281c, 282, 408, 409, 426, 427a, 427b, 429, 436, 438, 469a, 498k, 498t, 516, 519, and 537 (MCL 330.1100d, 330.1281c, 330.1282, 330.1408, 330.1409, 330.1426, 330.1427a, 330.1427b, 330.1429, 330.1436, 330.1438, 330.1469a, 330.1498k, 330.1498t, 330.1516, 330.1519, and 330.1537), section 100d as amended by 2020 PA 99, section 281c as added by 2014 PA 200, section 282 as amended by 2014 PA 200, sections 408, 427a, and 498k

as amended by 1995 PA 290, sections 409, 436, 438, and 469a as amended by 2018 PA 593, sections 426 and 429 as amended by 2016 PA 320, section 498t as added by 1988 PA 155, and sections 516, 519, and 537 as amended by 2018 PA 596, and by adding sections 170 and 172.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 100d. (1) **"Security transport officer" means an officer**
 2 **employed by a private security company under contract with a county**
 3 **under section 170.**

4 (2) "Service" means a mental health service or a substance use
 5 disorder service.

6 (3) ~~(2)~~—"Serious emotional disturbance" means a diagnosable
 7 mental, behavioral, or emotional disorder affecting a minor that
 8 exists or has existed during the past year for a period of time
 9 sufficient to meet diagnostic criteria specified in the most recent
 10 Diagnostic and Statistical Manual of Mental Disorders published by
 11 the American Psychiatric Association and approved by the department
 12 and that has resulted in functional impairment that substantially
 13 interferes with or limits the minor's role or functioning in
 14 family, school, or community activities. The following disorders
 15 are included only if they occur in conjunction with another
 16 diagnosable serious emotional disturbance:

17 (a) A substance use disorder.

18 (b) A developmental disorder.

19 (c) "V" codes in the Diagnostic and Statistical Manual of
 20 Mental Disorders.

21 (4) ~~(3)~~—"Serious mental illness" means a diagnosable mental,
 22 behavioral, or emotional disorder affecting an adult that exists or
 23 has existed within the past year for a period of time sufficient to

1 meet diagnostic criteria specified in the most recent Diagnostic
2 and Statistical Manual of Mental Disorders published by the
3 American Psychiatric Association and approved by the department and
4 that has resulted in functional impairment that substantially
5 interferes with or limits 1 or more major life activities. Serious
6 mental illness includes dementia with delusions, dementia with
7 depressed mood, and dementia with behavioral disturbance but does
8 not include any other dementia unless the dementia occurs in
9 conjunction with another diagnosable serious mental illness. The
10 following disorders also are included only if they occur in
11 conjunction with another diagnosable serious mental illness:

- 12 (a) A substance use disorder.
- 13 (b) A developmental disorder.
- 14 (c) A "V" code in the Diagnostic and Statistical Manual of
15 Mental Disorders.

16 (5) ~~(4)~~—"Special compensation" means payment to an adult
17 foster care facility to ensure the provision of a specialized
18 program in addition to the basic payment for adult foster care.
19 Special compensation does not include payment received directly
20 from the Medicaid program for personal care services for a
21 resident, or payment received under the supplemental security
22 income program.

23 (6) ~~(5)~~—"Specialized program" means a program of services,
24 supports, or treatment that are provided in an adult foster care
25 facility to meet the unique programmatic needs of individuals with
26 serious mental illness or developmental disability as set forth in
27 the resident's individual plan of services and for which the adult
28 foster care facility receives special compensation.

29 (7) ~~(6)~~—"Specialized residential service" means a combination

1 of residential care and mental health services that are expressly
2 designed to provide rehabilitation and therapy to a recipient, that
3 are provided in the recipient's residence, and that are part of a
4 comprehensive individual plan of services.

5 (8) ~~(7)~~—"State administered funds" means revenues appropriated
6 by the legislature exclusively for the purposes provided for in
7 regard to substance use disorder services and prevention.

8 (9) ~~(8)~~—"State facility" means a center or a hospital operated
9 by the department.

10 (10) ~~(9)~~—"State recipient rights advisory committee" means a
11 committee appointed by the director under section 756 to advise the
12 director and the director of the department's office of recipient
13 rights.

14 (11) ~~(10)~~—"Substance abuse" means the taking of alcohol or
15 other drugs at dosages that place an individual's social, economic,
16 psychological, and physical welfare in potential hazard or to the
17 extent that an individual loses the power of self-control as a
18 result of the use of alcohol or drugs, or while habitually under
19 the influence of alcohol or drugs, endangers public health, morals,
20 safety, or welfare, or a combination thereof.

21 (12) ~~(11)~~—"Substance use disorder" means chronic disorder in
22 which repeated use of alcohol, drugs, or both, results in
23 significant and adverse consequences. Substance use disorder
24 includes substance abuse.

25 (13) ~~(12)~~—"Substance use disorder prevention services" means
26 services that are intended to reduce the consequences of substance
27 use disorders in communities by preventing or delaying the onset of
28 substance abuse and that are intended to reduce the progression of
29 substance use disorders in individuals. Substance use disorder

1 prevention is an ordered set of steps that promotes individual,
2 family, and community health, prevents mental and behavioral
3 disorders, supports resilience and recovery, and reinforces
4 treatment principles to prevent relapse.

5 **(14)** ~~(13)~~—"Substance use disorder treatment and rehabilitation
6 services" means providing identifiable recovery-oriented services
7 including the following:

8 (a) Early intervention and crisis intervention counseling
9 services for individuals who are current or former individuals with
10 substance use disorder.

11 (b) Referral services for individuals with substance use
12 disorder, their families, and the general public.

13 (c) Planned treatment services, including chemotherapy,
14 counseling, or rehabilitation for individuals physiologically or
15 psychologically dependent upon or abusing alcohol or drugs.

16 **(15)** ~~(14)~~—"Supplemental security income" means the program
17 authorized under title XVI of the social security act, 42 USC 1381
18 to 1383f.

19 **(16)** ~~(15)~~—"Telemedicine" means the use of an electronic media
20 to link patients with health care professionals in different
21 locations. To be considered telemedicine under this section, the
22 health care professional must be able to examine the patient via a
23 health insurance portability and accountability act of 1996, Public
24 Law 104-191 compliant, secure interactive audio or video, or both,
25 telecommunications system, or through the use of store and forward
26 online messaging.

27 **(17)** ~~(16)~~—"Transfer facility" means a facility selected by the
28 department-designated community mental health entity, which
29 facility is physically located in a jail or lockup and is staffed

1 by at least 1 designated representative when in use according to
2 chapter 2A.

3 **(18)** ~~(17)~~—"Transition services" means a coordinated set of
4 activities for a special education student designed within an
5 outcome-oriented process that promotes movement from school to
6 postschool activities, including postsecondary education,
7 vocational training, integrated employment including supported
8 employment, continuing and adult education, adult services,
9 independent living, or community participation.

10 **(19)** ~~(18)~~—"Treatment" means care, diagnostic, and therapeutic
11 services, including administration of drugs, and any other service
12 for treatment of an individual's serious mental illness, serious
13 emotional disturbance, or substance use disorder.

14 **(20)** ~~(19)~~—"Urgent situation" means a situation in which an
15 individual is determined to be at risk of experiencing an emergency
16 situation in the near future if he or she does not receive care,
17 treatment, or support services.

18 **(21)** ~~(20)~~—"Wraparound services" means an individually designed
19 set of services provided to minors with serious emotional
20 disturbance or serious mental illness and their families that
21 includes treatment services and personal support services or any
22 other supports necessary to foster education preparedness,
23 employability, and preservation of the child in the family home.
24 Wraparound services are to be developed through an interagency
25 collaborative approach and a minor's parent or guardian and a minor
26 age 14 or older are to participate in planning the services.

27 **Sec. 170. (1) A county board of commissioners may establish a**
28 **county mental health transportation panel. The purpose of the panel**
29 **is to establish a transportation mechanism to serve as an**

1 alternative to a peace officer transporting an individual when
2 required under this act.

3 (2) The members of the county mental health transportation
4 panel must include all of the following:

5 (a) A county administrator or an individual who has similar
6 responsibilities within the county as a county administrator.

7 (b) A judge of a court having jurisdiction in the county.

8 (c) A peace officer who works at a law enforcement agency or
9 state police post within the county.

10 (d) A mental health professional who is an employee of a
11 community mental health services program located within the county.

12 (3) The panel may recommend and the county board of
13 commissioners may enter into a contract with a private security
14 company to hire security transport officers to transport
15 individuals for involuntary psychiatric hospitalization or
16 screening under this act.

17 (4) In order to enter into a contract with a county board of
18 commissioners as described in subsection (3), the private security
19 company must meet all of the following requirements:

20 (a) Have on file with the department a surety bond that is
21 approved by the department or cash in an amount determined by the
22 department.

23 (b) Meet the licensing requirements under the private security
24 business and security alarm act, 1968 PA 330, MCL 338.1051 to
25 338.1092.

26 (c) Provide to security transport officers a specialized
27 training program for best practices when working with and
28 transporting an individual with severe mental illness or a person
29 requiring treatment safely and effectively.

1 (d) Maintain a dispatch system that is available 24 hours a
2 day, 7 days a week to receive transport orders and deploy security
3 transport officers.

4 (e) Deploy 2 security transport officers for every transport
5 order. Deployment of security transport officers under this
6 subdivision must be gender appropriate for the situation.

7 (f) Establish a well-maintained company vehicle fleet
8 appropriately equipped for recipient and security transport officer
9 travel and safety.

10 (g) Utilize the level of force authorized for peace officers
11 under section 427a.

12 (h) Protect and respect all recipient regulations under the
13 health insurance portability and accountability act of 1996, Public
14 Law 101-191, and recipient rights under chapter 7.

15 (i) Maintain transport security officer duties, protocols, and
16 procedures.

17 (j) Maintain transport service policies and procedures.

18 (k) Maintain protocols and procedures for transportation
19 emergencies, recipient safety and transport care, de-escalation
20 techniques, crisis intervention and prevention, and recipient and
21 customer relations.

22 (l) Maintain mental health facility policies and procedures in
23 the same manner as required of peace officers under chapter 4.

24 (m) Maintain hospital emergency room policies and procedures
25 in the same manner as required of peace officers under chapter 4.

26 (n) Provide security transport officers with a defensive
27 driving course.

28 (o) Maintain transport vehicle requirements and care and
29 transport vehicle inspection procedures.

1 (p) Maintain roadside emergency procedures and policies,
2 including basic first aid and courses in cardiopulmonary
3 resuscitation.

4 (5) Transportation by a security transport officer is not an
5 arrest of the individual. A security transport officer cannot take
6 an individual into protective custody.

7 Sec. 172. (1) The mental health transportation fund is created
8 within the state treasury.

9 (2) The state treasurer may receive money or other assets from
10 any source for deposit into the fund. The state treasurer shall
11 direct the investment of the fund. The state treasurer shall credit
12 to the fund interest and earnings from fund investments.

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

15 (4) The department shall be the administrator of the fund for
16 auditing purposes.

17 (5) The department shall expend money from the fund, upon
18 appropriation, only to carry out the provisions of section 170.

19 Sec. 281c. (1) Following an examination by a health
20 professional under section 281b and a certification by that health
21 professional that the requirements of section 281a(1) are met, a
22 court may order the respondent held for treatment for a period not
23 to exceed 72 hours if the court finds by clear and convincing
24 evidence that the person presents an imminent danger or imminent
25 threat of danger to self, family, or others as a result of a
26 substance use disorder. ~~However, if~~ **If** the hearing to be held under
27 section 281b will not be held within that 72-hour period, the court
28 may order the respondent held for treatment until the hearing. In
29 making its order, the court shall inform the respondent that the

1 respondent may immediately make a reasonable number of telephone
2 calls or use other reasonable means to contact an attorney, a
3 physician, or a health professional; to contact any other person to
4 secure representation by counsel; or to obtain medical or
5 psychological assistance and that the respondent will be provided
6 assistance in making calls if the assistance is needed and
7 requested.

8 (2) A program in which a respondent is being held ~~pursuant to~~
9 **under** subsection (1) ~~shall~~**must** release the respondent from the
10 program immediately upon the expiration of the time period
11 established by the court for the treatment under subsection (1). If
12 determined appropriate by the court with the assistance of health
13 professionals, a respondent may be transferred from a more-
14 restrictive program setting to a less-restrictive program setting
15 for the treatment ordered under this section.

16 (3) A respondent ordered held under this section shall not be
17 held in jail pending transportation to the program or evaluation
18 unless the court previously has found the respondent to be in
19 contempt of court for either failure to undergo treatment or
20 failure to appear at the examination ordered under section 281b.

21 (4) If a court is authorized to issue an order that the
22 respondent be transported to a program, the court may issue a
23 summons. If the respondent fails to attend an examination scheduled
24 before the hearing under section 281b, the court shall issue a
25 summons. The court shall direct a summons issued to the respondent
26 and shall command the respondent to appear at a time and place
27 specified in the summons. If the respondent who has been summoned
28 fails to appear at the program or the examination, the court may
29 order a peace officer **or security transport officer** to transport

1 the respondent to a program on the list provided under subsection
2 (5) for treatment. The peace officer ~~shall~~**or security transport**
3 **officer must** transport the respondent to the program. The
4 transportation costs of the peace officer ~~shall~~**or security**
5 **transport officer must** be included in the costs of treatment for
6 substance use disorder to be paid as provided in section 281a(4).

7 (5) A department-designated community mental health entity on
8 at least an annual basis ~~shall~~**must** submit each of the following
9 lists to the clerk of the court in each county served by the
10 department-designated community mental health entity:

11 (a) A list of all programs in the counties served by the
12 department-designated community mental health entity that are able
13 and willing to take respondents ordered held for treatment under
14 subsection (1).

15 (b) A list of programs and health professionals in the
16 counties served by the department-designated community mental
17 health entity that are able and willing to provide treatment for a
18 substance use disorder that is ordered under section 281b.

19 Sec. 282. (1) A peace officer, ~~a~~**security transport officer,**
20 member of the emergency service unit, or staff member of an
21 approved service program or an emergency medical service who acts
22 in compliance with sections 276 to 286 is acting in the course of
23 his or her official duty and is not criminally or civilly liable as
24 a result.

25 (2) Subsection (1) does not apply to a ~~law enforcement~~**peace**
26 **officer, security transport officer,** member of the emergency
27 service unit, or staff member of an approved service program or an
28 emergency medical service who, while acting in compliance with
29 sections 276 to 286, engages in behavior involving gross negligence

1 or willful or wanton misconduct.

2 (3) Approved service programs, staff of approved service
3 programs, emergency medical services, staff of emergency medical
4 services, peace officers, **security transport officers**, and
5 emergency service units are not criminally or civilly liable for
6 the subsequent actions of the apparently incapacitated individual
7 who leaves the approved service program or emergency medical
8 service.

9 Sec. 408. (1) An individual is subject to being returned to a
10 hospital if both of the following circumstances exist:

11 (a) The individual was admitted to the hospital by judicial
12 order.

13 (b) The individual has left the hospital without
14 authorization, or has refused a lawful request to return to the
15 hospital while on an authorized leave or other authorized absence
16 from the hospital.

17 (2) The hospital director may notify peace officers **or**
18 **security transport officers** that an individual is subject to being
19 returned to the hospital. Upon notification by the hospital
20 director, a peace officer ~~shall~~**must** take the individual into
21 protective custody and return the individual to the hospital unless
22 contrary directions have been given by the hospital director. **The**
23 **hospital director may arrange for a security transport officer to**
24 **transport the individual to the hospital.**

25 (3) An opportunity for appeal, and notice of that opportunity,
26 ~~shall~~**must** be provided to an individual who objects to being
27 returned from any authorized leave in excess of 10 days.

28 Sec. 409. (1) Each community mental health services program
29 shall establish 1 or more preadmission screening units with 24-hour

1 availability to provide assessment and screening services for
2 individuals being considered for admission into hospitals or
3 assisted outpatient treatment programs. The community mental health
4 services program shall employ mental health professionals or
5 licensed bachelor's social workers licensed under part 185 of the
6 public health code, 1978 PA 368, MCL 333.18501 to 333.18518, to
7 provide the preadmission screening services or contract with
8 another agency that meets the requirements of this section.
9 Preadmission screening unit staff shall be supervised by a
10 registered professional nurse or other mental health professional
11 possessing at least a master's degree.

12 (2) Each community mental health services program shall
13 provide the address and telephone number of its preadmission
14 screening unit or units to law enforcement agencies, the
15 department, the court, ~~and~~ hospital emergency rooms, **and private**
16 **security companies under contract with a county under section 170.**

17 (3) A preadmission screening unit shall assess an individual
18 being considered for admission into a hospital operated by the
19 department or under contract with the community mental health
20 services program. If the individual is clinically suitable for
21 hospitalization, the preadmission screening unit shall authorize
22 voluntary admission to the hospital.

23 (4) If the preadmission screening unit of the community mental
24 health services program denies hospitalization, the individual or
25 the person making the application may request a second opinion from
26 the executive director. The executive director shall arrange for an
27 additional evaluation by a psychiatrist, other physician, or
28 licensed psychologist to be performed within 3 days, excluding
29 Sundays and legal holidays, after the executive director receives

1 the request. If the conclusion of the second opinion is different
2 from the conclusion of the preadmission screening unit, the
3 executive director, in conjunction with the medical director, shall
4 make a decision based on all clinical information available. The
5 executive director's decision shall be confirmed in writing to the
6 individual who requested the second opinion, and the confirming
7 document shall include the signatures of the executive director and
8 medical director or verification that the decision was made in
9 conjunction with the medical director. If an individual is assessed
10 and found not to be clinically suitable for hospitalization, the
11 preadmission screening unit shall provide appropriate referral
12 services.

13 (5) If an individual is assessed and found not to be
14 clinically suitable for hospitalization, the preadmission screening
15 unit shall provide information regarding alternative services and
16 the availability of those services, and make appropriate referrals.

17 (6) A preadmission screening unit shall assess and examine, or
18 refer to a hospital for examination, an individual who is brought
19 to the unit by a peace officer **or security transport officer** or
20 ordered by a court to be examined. If the individual meets the
21 requirements for hospitalization, the preadmission screening unit
22 shall designate the hospital to which the individual shall be
23 admitted. The preadmission screening unit shall consult with the
24 individual and, if the individual agrees, it shall consult with the
25 individual's family member of choice, if available, as to the
26 preferred hospital for admission of the individual.

27 (7) If the individual chooses a hospital not under contract
28 with a community mental health services program, and the hospital
29 agrees to the admission, the preadmission screening unit shall

1 refer the individual to the hospital that is requested by the
2 individual. Any financial obligation for the services provided by
3 the hospital shall be satisfied from funding sources other than the
4 community mental health services program, the department, or other
5 state or county funding.

6 Sec. 426. Upon delivery to a peace officer of a petition and a
7 physician's or licensed psychologist's clinical certificate, the
8 peace officer shall take the individual named in the petition into
9 protective custody and transport the individual immediately to the
10 preadmission screening unit or hospital designated by the community
11 mental health services program for hospitalization under section
12 423. If the individual taken to a preadmission screening unit meets
13 the requirements for hospitalization, then unless the community
14 mental health services program makes other transportation
15 arrangements, the peace officer ~~shall~~**must** take the individual to a
16 hospital designated by the community mental health services
17 program. **The community mental health services program may arrange**
18 **for a security transport officer to transport the individual to the**
19 **hospital.** Transportation to another hospital due to a transfer is
20 the responsibility of the community mental health services program.

21 Sec. 427a. (1) If a peace officer is taking an individual into
22 protective custody, the peace officer may use that kind and degree
23 of force that would be lawful if the peace officer were effecting
24 an arrest for a misdemeanor without a warrant. In taking ~~the~~**an**
25 individual into custody, a peace officer may take reasonable steps
26 for self-protection. **In transporting an individual, a security**
27 **transport officer may take reasonable steps for self-protection.**
28 The protective steps may include a pat down search of the
29 individual in the individual's immediate surroundings, but only to

1 the extent necessary to discover and seize a dangerous weapon that
 2 may be used against the **peace officer, security transport officer,**
 3 or other ~~persons~~**person** present. These protective steps ~~shall~~**must**
 4 be taken by the peace officer **or security transport officer** before
 5 the individual is transported to a preadmission screening unit or a
 6 hospital designated by the community mental health services
 7 program.

8 (2) ~~The taking of~~**Taking** an individual to a community mental
 9 health services program's preadmission screening unit or a hospital
 10 under section 427 **by a peace officer** is not an arrest, but is a
 11 taking into protective custody. The peace officer ~~shall~~**must** inform
 12 the individual that he or she is being held in protective custody
 13 and is not under arrest. An entry ~~shall~~**must** be made indicating the
 14 date, time, and place of the taking, but the entry ~~shall~~**must** not
 15 be treated for any purpose as an arrest or criminal record.

16 Sec. 427b. (1) A peace officer **or security transport officer**
 17 who acts in compliance with this act is acting in the course of
 18 official duty and is not civilly liable for the action taken.

19 (2) Subsection (1) does not apply to a peace officer **or**
 20 **security transport officer** who, while acting in compliance with
 21 this act, engages in behavior involving gross negligence or ~~wilful~~
 22 **willful** and wanton misconduct.

23 Sec. 429. (1) A hospital designated under section 422 shall
 24 receive and detain an individual presented for examination under
 25 section 426, 427, 435, 436, or 438, for not more than 24 hours.
 26 During that time the individual shall be examined by a physician or
 27 a licensed psychologist unless a clinical certificate has already
 28 been presented to the hospital. If the examining physician or
 29 psychologist does not certify that the individual is a person

1 requiring treatment, the individual shall be released immediately.
2 If the examining physician or psychologist executes a clinical
3 certificate, the individual may be hospitalized under section 423.

4 (2) If a preadmission screening unit provides an examination
5 under section 409, 410, or 427, the examination shall be conducted
6 as soon as possible after the individual arrives at the
7 preadmission screening site, and the examination ~~shall~~**must** be
8 completed within 2 hours, unless there are documented medical
9 reasons why the examination cannot be completed within that time
10 frame or other arrangements are agreed upon by the peace officer **or**
11 **security transport officer** and the preadmission screening unit.

12 Sec. 436. (1) If it appears to the court that the individual
13 will not comply with an order of examination under section 435, the
14 court may order a peace officer to take the individual into
15 protective custody and transport him or her to a preadmission
16 screening unit or hospital designated by the community mental
17 health services program or to another suitable place for the
18 ordered examination or examinations. **The court may, also, order a**
19 **security transport officer to transport the individual as described**
20 **under this subsection.**

21 (2) A court order for a peace officer to take an individual
22 into protective custody and transport the individual as described
23 in subsection (1) **or for a security transport officer to transport**
24 **the individual as described in subsection (1)** must be executed
25 within 10 days after the court enters the order. If the order is
26 not executed within 10 days after the court enters the order, the
27 law enforcement agency **or private security company contracted with**
28 **a county under section 170** must report to the court the reason the
29 order was not executed within the prescribed time period.

1 (3) Following the filing of a petition for assisted outpatient
2 treatment, if it comes to the court's attention that the individual
3 will not make himself or herself available for an evaluation, the
4 court may order law enforcement **or a security transport officer** to
5 transport the individual for the mental health evaluation and to
6 take the individual to the designated preadmission screening unit
7 or hospital. The court must be satisfied that reasonable effort was
8 made to secure an examination before the court orders a peace
9 officer **or security transport officer** to transport the individual
10 for an evaluation. At the time the individual arrives at the
11 preadmission screening unit or hospital, the preadmission screening
12 unit or hospital must complete an assessment that includes an
13 examination upon the arrival of the individual and release the
14 individual following the conclusion of the examination unless the
15 medical professional who examines the individual finds the need for
16 immediate hospitalization. If immediate hospitalization is
17 necessary, the director must file a petition, accompanied by 2
18 clinical certificates, with the probate court within 24 hours after
19 the medical professional's finding. The petition must request
20 involuntary hospitalization and may request a combination of
21 hospitalization and assisted outpatient treatment. The court must
22 set a hearing in accordance with section 452(1).

23 Sec. 438. If it appears to the court that the individual
24 requires immediate assessment because the individual presents a
25 substantial risk of significant physical or mental harm to himself
26 or herself in the near future or presents a substantial risk of
27 significant physical harm to others in the near future, the court
28 may order the individual hospitalized and may order a peace officer
29 to take the individual into protective custody and transport the

1 individual to a preadmission screening unit designated by the
2 community mental health services program. **The court may, also,**
3 **order a security transport officer to transport the individual to a**
4 **preadmission screening unit designated by the community mental**
5 **health services program.** If the preadmission screening unit
6 authorizes hospitalization, the peace officer ~~shall~~ **or security**
7 **transport officer must** transport the individual to a hospital
8 designated by the community mental health services program, unless
9 other arrangements are provided by the preadmission screening unit.
10 If the examinations and clinical certificates of the psychiatrist,
11 and the physician or the licensed psychologist, are not completed
12 within 24 hours after hospitalization, the individual ~~shall~~ **must** be
13 released.

14 Sec. 469a. (1) Except for a petition filed as described under
15 section 434(7), before ordering a course of treatment for an
16 individual found to be a person requiring treatment, the court
17 shall review a report on alternatives to hospitalization that was
18 prepared under section 453a not more than 15 days before the court
19 issues the order. After reviewing the report, the court shall do
20 all of the following:

21 (a) Determine whether a treatment program that is an
22 alternative to hospitalization or that follows an initial period of
23 hospitalization is adequate to meet the individual's treatment
24 needs and is sufficient to prevent harm that the individual may
25 inflict upon himself or herself or upon others within the near
26 future.

27 (b) Determine whether there is an agency or mental health
28 professional available to supervise the individual's treatment
29 program.

1 (c) Inquire as to the individual's desires regarding
2 alternatives to hospitalization.

3 (2) If the court determines that there is a treatment program
4 that is an alternative to hospitalization that is adequate to meet
5 the individual's treatment needs and prevent harm that the
6 individual may inflict upon himself or herself or upon others
7 within the near future and that an agency or mental health
8 professional is available to supervise the program, the court shall
9 issue an order for assisted outpatient treatment or combined
10 hospitalization and assisted outpatient treatment in accordance
11 with section 472a. The order shall state the community mental
12 health services program or, if private arrangements have been made
13 for the reimbursement of mental health treatment services in an
14 alternative setting, the name of the mental health agency or
15 professional that is directed to supervise the individual's
16 assisted outpatient treatment program. The order may provide that
17 if an individual refuses to comply with a psychiatrist's order to
18 return to the hospital, a peace officer ~~shall~~**must** take the
19 individual into protective custody and transport the individual to
20 the hospital selected. **The court may order that a security**
21 **transport officer take the individual to the hospital selected.**

22 (3) If the court orders assisted outpatient treatment as the
23 alternative to hospitalization, the order ~~shall~~**must** be consistent
24 with the provisions of section 468(2) (d).

25 Sec. 498k. (1) If a minor who has been admitted to a hospital
26 under this chapter leaves the hospital without the knowledge and
27 permission of the appropriate hospital staff, the hospital ~~shall~~
28 **must** immediately notify the minor's parent, guardian, or person in
29 loco parentis, the executive director if appropriate, and the

1 appropriate police agency.

2 (2) If a minor has left a hospital without the knowledge and
3 permission of the appropriate hospital staff or has refused a
4 request to return to the hospital while on an authorized absence
5 from the hospital, and the hospital director believes that the
6 minor should be returned to the hospital, the hospital director
7 ~~shall~~**must** request that the minor's parent, guardian, or person in
8 loco parentis transport the minor to the hospital. If the parent,
9 guardian, or person in loco parentis is unable, after reasonable
10 effort, to transport the minor, a request may be submitted to the
11 court for an order to transport the minor. If the court is
12 satisfied that a reasonable effort was made to transport the minor,
13 the court shall order a peace officer to take the minor into
14 protective custody for the purpose of returning the minor to the
15 hospital. **The court may order a security transport officer to**
16 **transport the minor to the hospital.**

17 (3) An opportunity for appeal, and notice of that opportunity,
18 shall be provided to any minor and to the parent or guardian of any
19 minor who is returned over the minor's objection from any
20 authorized leave in excess of 10 days. In the case of a minor less
21 than 14 years of age, the appeal shall be made by the parent or
22 guardian of the minor or person in loco parentis.

23 Sec. 498t. If a person who requests hospitalization of a minor
24 ~~pursuant to~~**under** section 498d or 498h is unable, after reasonable
25 efforts, to transport the minor for the evaluation required by
26 section 498e, a request may be submitted to the court for an order
27 to transport the minor. If the court is satisfied that a reasonable
28 effort was made by the person requesting hospitalization to
29 transport the minor for evaluation, the court shall order a peace

1 officer to take the minor into protective custody for the purpose
2 of transporting the minor immediately to the evaluation site, and
3 if necessary, from the evaluation site to the hospital for
4 admission. **The court may order a security transport officer to**
5 **transport the minor to the evaluation site or from the evaluation**
6 **site to the hospital.** The person requesting the transport order
7 ~~shall~~**must** meet the minor at the evaluation site and remain with
8 the minor for the duration of the evaluation.

9 Sec. 516. (1) Any person found suitable by the court may file
10 with the court a petition that asserts that an individual meets the
11 criteria for treatment specified in section 515.

12 (2) The petition shall contain the alleged facts that are the
13 basis for the assertion, the names and addresses, if known, of any
14 witnesses to alleged and relevant facts, and if known the name and
15 address of the nearest relative or guardian of the individual.

16 (3) If the petition appears on its face to be sufficient, the
17 court shall order that the individual be examined and a report be
18 prepared. To this end, the court shall appoint a qualified person
19 who may but need not be an employee of the community mental health
20 services program or the court to arrange for the examination, to
21 prepare the report, and to file it with the court.

22 (4) If it appears to the court that the individual will not
23 comply with an order of examination under subsection (3), the court
24 may order a peace officer to take the individual into protective
25 custody and transport him or her immediately to a facility
26 recommended by the community mental health services program or
27 other suitable place designated by the community mental health
28 services program for up to 48 hours for the ordered examination.
29 **The court may order a security transport officer to transport the**

1 individual immediately to a facility recommended by the community
2 mental health services program or other suitable place designated
3 by the community mental health services program.

4 (5) After examination, the individual shall be allowed to
5 return home unless it appears to the court that he or she requires
6 immediate admission to the community mental health services
7 program's recommended facility in order to prevent physical harm to
8 himself, herself, or others pending a hearing, in which case the
9 court shall enter an order to that effect. If an individual is
10 ordered admitted under this subsection, not later than 12 hours
11 after he or she is admitted the facility shall provide him or her
12 with a copy of the petition, a copy of the report, and a written
13 statement in simple terms explaining the individual's rights to a
14 hearing under section 517, to be present at the hearing and to be
15 represented by legal counsel, if 1 physician and 1 licensed
16 psychologist or 2 physicians conclude that the individual meets the
17 criteria for treatment.

18 (6) The report required by subsection (3) shall contain all of
19 the following:

20 (a) Evaluations of the individual's mental, physical, social,
21 and educational condition.

22 (b) A conclusion as to whether the individual meets the
23 criteria for treatment specified in section 515.

24 (c) A list of available forms of care and treatment that may
25 serve as an alternative to admission to a facility.

26 (d) A recommendation as to the most appropriate living
27 arrangement for the individual in terms of type and location of
28 living arrangement and the availability of requisite support
29 services.

1 (e) The signatures of 1 physician and 1 licensed psychologist
2 or 2 physicians who performed examinations serving in part as the
3 basis of the report.

4 (7) A copy of the report required under subsection (3) shall
5 be sent to the court immediately upon completion.

6 (8) The petition shall be dismissed by the court unless 1
7 physician and 1 licensed psychologist or 2 physicians conclude, and
8 that conclusion is stated in the report, that the individual meets
9 the criteria for treatment.

10 (9) An individual whose admission was ordered under subsection
11 (5) is entitled to a hearing in accordance with section 517.

12 Sec. 519. (1) Before making an order of disposition under
13 section 518(2), the court shall consider ordering a course of care
14 and treatment that is an alternative to admission to a facility. To
15 that end, the court shall review the report submitted to the court
16 under section 516(3), specifically reviewing alternatives and
17 recommendations as provided under section 516(6)(c) and (d).

18 (2) If the court finds that a program of care and treatment
19 other than admission to a facility is adequate to meet the
20 individual's care and treatment needs and is sufficient to prevent
21 harm or injury that the individual may inflict upon himself,
22 herself, or others, the court shall order the individual to receive
23 whatever care and treatment is appropriate under section 518(2)(c).

24 (3) If at the end of 1 year it is believed that the individual
25 continues to meet the criteria for treatment, a new petition may be
26 filed under section 516.

27 (4) If at any time during the 1-year period it comes to the
28 attention of the court either that an individual ordered to undergo
29 a program of alternative care and treatment is not complying with

1 the order or that the alternative care and treatment has not been
2 sufficient to prevent harm or injuries that the individual may be
3 inflicting upon himself, herself, or others, the court may without
4 a hearing and based upon the record and other available information
5 do either of the following:

6 (a) Consider other alternatives to admission to a facility,
7 modify its original order, and direct the individual to undergo
8 another outpatient program of alternative care and treatment for
9 the remainder of the 1-year period.

10 (b) Enter a new order under section 518(2) (a) or (b) directing
11 that the individual be admitted to a facility recommended by the
12 community mental health services program. If the individual refuses
13 to comply with this order, the court may direct a peace officer to
14 take the individual into protective custody and transport him or
15 her to the facility recommended by the community mental health
16 services program. **The court may direct a security transport officer**
17 **to transport the individual to the facility recommended by the**
18 **community mental health services program.**

19 Sec. 537. (1) An individual is subject to being returned to a
20 facility if both of the following are true:

21 (a) The individual was admitted to a facility on an
22 application executed by someone other than himself or herself or by
23 judicial order.

24 (b) The individual has left the facility without
25 authorization, or has refused a lawful request to return to the
26 facility while on an authorized leave or other authorized absence
27 from the facility.

28 (2) The facility may notify ~~a peace officers~~**officer or**
29 **security transport officer** that an individual is subject to being

1 returned to the facility. Upon notification, a peace officer shall
2 take the individual into protective custody and return him or her
3 to the facility unless contrary directions have been given by the
4 facility or the responsible community mental health services
5 program. **Upon notification, a security transport officer must**
6 **transport the individual to the facility unless contrary directions**
7 **have been given by the facility or the responsible community mental**
8 **health services program.**

9 (3) An opportunity for appeal ~~shall~~**must** be provided to any
10 individual returned over his or her objection from any authorized
11 leave in excess of 10 days, and the individual shall be notified of
12 his or her right to appeal. In the case of a child less than 13
13 years of age, the appeal shall be made by his or her parent or
14 guardian.