

HOUSE BILL NO. 4513

May 04, 2023, Introduced by Reps. Paiz, Markkanen, Byrnes, Martus, Glanville, Brixie, Breen, Coleman, Dievendorf and MacDonell and referred to the Committee on Health Policy.

A bill to amend 1974 PA 258, entitled
"Mental health code,"
by amending section 100b (MCL 330.1100b), as amended by 2020 PA
402.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 100b. (1) Except as otherwise provided in this
2 subsection, "facility" means a residential facility for the care or
3 treatment of individuals with serious mental illness, serious
4 emotional disturbance, or developmental disability that is either a

1 state facility or a licensed facility. Facility includes a
2 preadmission screening unit established under section 409 that is
3 operating a crisis stabilization unit.

4 (2) "Family" as used in sections 156 to 161 means an eligible
5 minor and his or her parent or legal guardian.

6 (3) "Family member" means a parent, stepparent, spouse,
7 sibling, child, or grandparent of a primary consumer, or an
8 individual upon whom a primary consumer is dependent for at least
9 50% of his or her financial support.

10 (4) "Federal funds" means funds received from the federal
11 government under a categorical grant or similar program and does
12 not include federal funds received under a revenue sharing
13 arrangement.

14 (5) "Functional impairment" means both of the following:

15 (a) With regard to serious emotional disturbance, substantial
16 interference with or limitation of a minor's achievement or
17 maintenance of 1 or more developmentally appropriate social,
18 behavioral, cognitive, communicative, or adaptive skills.

19 (b) With regard to serious mental illness, substantial
20 interference or limitation of role functioning in 1 or more major
21 life activities including basic living skills such as eating,
22 bathing, and dressing; instrumental living skills such as
23 maintaining a household, managing money, getting around the
24 community, and taking prescribed medication; and functioning in
25 social, vocational, and educational contexts.

26 (6) "Guardian" means a person appointed by the court to
27 exercise specific powers over an individual who is a minor, legally
28 incapacitated, or developmentally disabled.

29 (7) "Hospital" or "psychiatric hospital" means an inpatient

1 program operated by the department for the treatment of individuals
2 with serious mental illness or serious emotional disturbance or a
3 psychiatric hospital or psychiatric unit licensed under section
4 137.

5 (8) "Hospital director" means the chief administrative officer
6 of a hospital or his or her designee.

7 (9) "Hospitalization" or "hospitalize" means to provide
8 treatment for an individual as an inpatient in a hospital.

9 (10) "Incapacitated" means that an individual, as a result of
10 the use of alcohol or other drugs, is unconscious or has his or her
11 mental or physical functioning so impaired that he or she either
12 poses an immediate and substantial danger to his or her own health
13 and safety or is endangering the health and safety of the public.

14 (11) "Individual plan of services" or "plan of services" means
15 a written individual plan of services developed with a recipient as
16 required by section 712.

17 (12) "Individual representative" means a recipient's legal
18 guardian, minor recipient's parent, or other person authorized by
19 law to represent the recipient in decision-making related to the
20 recipient's services and supports.

21 (13) "Intellectual disability" means a condition manifesting
22 before the age of 18 years that is characterized by significantly
23 subaverage intellectual functioning and related limitations in 2 or
24 more adaptive skills and that is diagnosed based on the following
25 assumptions:

26 (a) Valid assessment considers cultural and linguistic
27 diversity, as well as differences in communication and behavioral
28 factors.

29 (b) The existence of limitation in adaptive skills occurs

1 within the context of community environments typical of the
2 individual's age peers and is indexed to the individual's
3 particular needs for support.

4 (c) Specific adaptive skill limitations often coexist with
5 strengths in other adaptive skills or other personal capabilities.

6 (d) With appropriate supports over a sustained period, the
7 life functioning of the individual with an intellectual disability
8 will generally improve.

9 (14) "Licensed facility" means a facility licensed by the
10 department under section 137 or an adult foster care facility.

11 (15) "Licensed psychologist" means a doctoral level
12 psychologist licensed under section 18223(1) of the public health
13 code, 1978 PA 368, MCL 333.18223.

14 (16) "Mediation" means a confidential process in which a
15 neutral third party facilitates communication between parties,
16 assists in identifying issues, and helps explore solutions to
17 promote a mutually acceptable resolution. A mediator does not have
18 authoritative decision-making power.

19 (17) "Medicaid" means the program of medical assistance
20 established under section 105 of the social welfare act, 1939 PA
21 280, MCL 400.105.

22 (18) "Medical director" means a psychiatrist appointed under
23 section 231 to advise the executive director of a community mental
24 health services program.

25 (19) "Mental health professional" means an individual who is
26 trained and experienced in the area of mental illness or
27 developmental disabilities and who is 1 of the following:

28 (a) A physician.

29 (b) A psychologist.

1 (c) A registered professional nurse licensed or otherwise
2 authorized to engage in the practice of nursing under part 172 of
3 the public health code, 1978 PA 368, MCL 333.17201 to 333.17242.

4 (d) A licensed master's social worker licensed or otherwise
5 authorized to engage in the practice of social work at the master's
6 level under part 185 of the public health code, 1978 PA 368, MCL
7 333.18501 to 333.18518.

8 (e) A licensed professional counselor licensed or otherwise
9 authorized to engage in the practice of counseling under part 181
10 of the public health code, 1978 PA 368, MCL 333.18101 to 333.18117.

11 (f) A **licensed** marriage and family therapist licensed or
12 otherwise authorized to engage in the practice of marriage and
13 family therapy under part 169 of the public health code, 1978 PA
14 368, MCL 333.16901 to 333.16915.

15 (g) **A licensed art therapist licensed or otherwise authorized**
16 **to engage in the practice of art therapy under part 169B of the**
17 **public health code, 1978 PA 368, MCL 333.16971 to 333.16983.**

18 (20) "Minor" means an individual under the age of 18 years.

19 (21) "Multicultural services" means specialized mental health
20 services for multicultural populations such as African-Americans,
21 Hispanics, Native Americans, Asian and Pacific Islanders, and
22 Arab/Chaldean-Americans.

23 (22) "Neglect" means an act or failure to act committed by an
24 employee or volunteer of the department, a community mental health
25 services program, or a licensed hospital; a service provider under
26 contract with the department, a community mental health services
27 program, or a licensed hospital; or an employee or volunteer of a
28 service provider under contract with the department, a community
29 mental health services program, or a licensed hospital, that denies

1 a recipient the standard of care or treatment to which he or she is
2 entitled under this act.

3 Enacting section 1. This amendatory act takes effect 90 days
4 after the date it is enacted into law.

5 Enacting section 2. This amendatory act does not take effect
6 unless Senate Bill No. ____ or House Bill No. 4514 (request no.
7 02235'23) of the 102nd Legislature is enacted into law.