

MENTAL HEALTH CODE (EXCERPT)
Act 258 of 1974
TEMPORARY AND ADMINISTRATIVE ADMISSION

330.1508 Individual with developmental disability; temporary admission; execution and contents of application; services; time limitation.

Sec. 508.

(1) An individual with a developmental disability referred by a community mental health services program may be temporarily admitted to a facility for appropriate clinical services if an application for temporary admission is executed by a person legally empowered to make the application and if it is determined that the individual is suitable for admission. The services to be provided to the individual shall be determined by mutual agreement between the community mental health services program, the facility, and the person making the application, except that no individual may be temporarily admitted for more than 30 days.

(2) An application for temporary admission shall contain the substance of subsection (1).

History: 1974, Act 258, Eff. Nov. 6, 1974 ;-- Am. 1995, Act 290, Eff. Mar. 28, 1996 ;-- Am. 2018, Act 596, Eff. Mar. 28, 2019

330.1509 Administrative admission; execution and contents of application; explanation of rights; persons entitled to copy of application.

Sec. 509.

(1) An individual with a developmental disability under 18 years of age shall be referred by a community mental health services program before being considered for administrative admission to a facility. An application for the individual's admission shall be executed by a parent, guardian, or, in the absence of a parent or guardian, a person in loco parentis if it is determined that the minor is suitable for admission.

(2) An individual with a developmental disability who is 18 years of age or older and is referred by a community mental health services program may be admitted to a facility on an administrative admission basis if an application for the individual's admission is executed by the individual if competent to do so, or by a guardian if the individual is not competent to do so, and if it is determined that the individual is suitable for admission.

(3) An application for administrative admission shall contain in large type and simple language the substance of sections 510, 511, and 512. At the time of admission, the rights set forth in the application shall be explained to the resident and to the person who executed the application for admission. In addition, a copy of the application shall be given to the resident, the person who executed the application, and to 1 other person designated by the resident.

History: 1974, Act 258, Eff. Nov. 6, 1974 ;-- Am. 1995, Act 290, Eff. Mar. 28, 1996 ;-- Am. 2018, Act 596, Eff. Mar. 28, 2019

330.1510 Administrative admission; preadmission examination; report; reexamination.

Sec. 510.

(1) Before the administrative admission of any individual, the individual may be received by the facility designated and approved by the community mental health services program for up to 10 days in order for a preadmission examination to be conducted. No individual may be administratively admitted unless the individual was referred by the community mental health services program and was given a preadmission examination by the facility for the purpose of determining the individual's suitability for admission.

(2) The preadmission examination shall include mental, physical, social, and educational evaluations, and shall be conducted under the supervision of a registered nurse or other mental health professional possessing at least a master's degree. The results of the examination shall be contained in a report to be made part of the individual's record, and the report shall also contain a statement indicating the most appropriate living arrangement that is necessary to meet the individual's treatment needs.

(3) At least once annually each administratively admitted resident shall be reexamined for the purpose of determining whether he or she continues to be suitable for admission.

History: 1974, Act 258, Eff. Nov. 6, 1974 ;-- Am. 1995, Act 290, Eff. Mar. 28, 1996 ;-- Am. 2018, Act 596, Eff. Mar. 28, 2019

330.1511 Administrative admission; objection.

Sec. 511.

(1) Objection may be made to the admission of any administratively admitted resident. An objection may be filed with the court by a person found suitable by the court or by the resident himself or herself if he or she is at least 13 years of age. An objection may be made not more than 30 days after admission of the resident, and may be made subsequently at any 6-month interval following the date of the original objection or, if an original objection was not made, at any 6-month interval following the date of admission.

(2) An objection shall be made in writing, except that if made by the resident, an objection to admission may be communicated to the court or judge of probate and the executive director of the community mental health services program by any means, including but not limited to oral communication or informal letter. If the resident informs the facility that he or she desires to object to the admission, the facility shall assist the resident in submitting his or her objection to the court.

(3) Upon receiving notice of an objection, the court shall schedule a hearing to be held within 7 days, excluding Sundays and holidays. The court shall notify the person who objected, the resident, the person who executed the application, the executive director, and the director of the facility of the time and place of the hearing.

(4) The hearing is governed by sections 517 to 522, including the appointment of counsel and an independent medical or psychological evaluation, that the court considers necessary to ensure that all relevant information is brought to the court's attention, and by this section.

(5) The court shall sustain the objection and order the discharge of the resident if the resident is not in need of the care and treatment that is available at the facility or if an alternative to the care and treatment provided in a facility is available and adequate to meet the resident's needs.

(6) Unless the court sustains the objection and orders the discharge of the resident, the facility may continue to provide residential and other services to the resident.

(7) Unwillingness or inability of the parent, guardian, or person in loco parentis to provide for the resident's management, care, or residence is not grounds for refusing to sustain the objection and order discharge, but in that event the objecting person may, or a person authorized by the court shall, promptly file a petition under section 637 or, if the resident is a juvenile, under section 2 of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.2, to ensure that suitable management, care, or residence is provided.

History: 1974, Act 258, Eff. Nov. 6, 1974 ;-- Am. 1995, Act 290, Eff. Mar. 28, 1996 ;-- Am. 2018, Act 596, Eff. Mar. 28, 2019

330.1512 Administrative admission; detention period; notice of intention to leave facility; form.

Sec. 512.

(1) A facility may detain an administratively admitted resident for a period not exceeding 3 days from the time that the person who executed the application for the resident's admission gives written notice to the facility of his or her intention that the resident leave the facility.

(2) When a facility is notified of a resident's intention to leave the facility, it shall promptly supply an appropriate form to the person who made the notification and notify the appropriate community mental health services program.

History: 1974, Act 258, Eff. Nov. 6, 1974 ;-- Am. 1995, Act 290, Eff. Mar. 28, 1996 ;-- Am. 2018, Act 596, Eff. Mar. 28, 2019