

HOUSE BILL No. 4486

March 6, 1991, Introduced by Reps. O'Connor, Trim, Horton, Munsell, Walberg, Willis Bullard, Law, Owen, Stopczynski, McNutt and Jaye and referred to the Committee on Mental Health.

A bill to amend sections 498g and 498m of Act No. 258 of the Public Acts of 1974, entitled as amended

"Mental health code,"

as added by Act No. 186 of the Public Acts of 1984, being sections 330.1498g and 330.1498m of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 498g and 498m of Act No. 258 of the
2 Public Acts of 1974, as added by Act No. 186 of the Public Acts
3 of 1984, being sections 330.1498g and 330.1498m of the Michigan
4 Compiled Laws, are amended to read as follows:

5 Sec. 498g. (1) If a minor is admitted to a hospital pursu-
6 ant to this chapter, the director of the hospital shall cause the
7 minor to be examined by a child psychiatrist within 48 hours
8 after the admission of the minor and shall immediately initiate
9 ~~any~~ 1 OR MORE of the following tests and evaluations of the

1 minor ~~pursuant~~ SUBJECT to section 498j ~~which~~ THAT, in the
2 hospital director's opinion may aid in the preparation of a
3 treatment plan for the minor:

4 (a) A comprehensive social and family history including
5 family relationships.

6 (b) A comprehensive educational test and an assessment of
7 educational development.

8 (c) Psychological testing.

9 (d) An evaluation by the staff participating in the treat-
10 ment of the minor.

11 (e) Any relevant test, assessment, or study of, or related
12 to, the minor.

13 (2) IF THE EXAMINATION REQUIRED BY SUBSECTION (1) IS CON-
14 DUCTED WITH RESPECT TO AN EMERGENCY ADMISSION UNDER SECTION 498H,
15 THE EXAMINATION SHALL BE PERFORMED BY A CHILD PSYCHIATRIST WHO
16 DOES NOT HAVE AN ONGOING EMPLOYMENT OR CONTRACTUAL RELATIONSHIP
17 WITH THE HOSPITAL TO WHICH EMERGENCY ADMISSION IS MADE.

18 (3) IF THE EXAMINATION REQUIRED BY SUBSECTION (1) IS NOT
19 CONDUCTED WITHIN 48 HOURS AFTER THE MINOR'S ADMISSION, THE DIREC-
20 TOR OF THE HOSPITAL SHALL RELEASE THE MINOR WITHOUT A HEARING.

21 Sec. 498m. (1) An objection to the hospitalization of a
22 minor may be made to the court by any of the following persons:

23 (a) A person found suitable by the court.

24 (b) The minor's parent, guardian, or person in loco parentis
25 if the request for hospitalization was made by the minor pursuant
26 to section 498d(3) or by a peace officer pursuant to
27 section 498h(6).

1 (c) The minor who has been hospitalized, if the minor is 14
2 years of age or older.

3 (2) UPON ADMISSION OF A MINOR TO A HOSPITAL PURSUANT TO THIS
4 CHAPTER, THE DIRECTOR OF THE HOSPITAL SHALL NOTIFY THE MINOR OF
5 HIS OR HER RIGHT TO OBJECT TO HOSPITALIZATION.

6 (3) ~~(2)~~ An objection made to the court pursuant to subsec-
7 tion (1) shall be made in writing not more than 30 days after the
8 admission of a minor to a hospital, and may be made subsequently
9 within not more than 30 days after the receipt of the periodic
10 review of the minor's suitability for continued hospitalization
11 as provided for in section 498~~l~~. The objection shall state the
12 basis on which it is being raised.

13 (4) ~~(3)~~ If a minor who has been hospitalized ~~for not less~~
14 ~~than 7 days~~ pursuant to this chapter informs a hospital employee
15 of the minor's desire to object to hospitalization, the hospital
16 employee or a person designated by the hospital shall assist the
17 minor in properly submitting an objection to hospitalization pur-
18 suant to this section. THE EMPLOYEE OR PERSON DESIGNATED BY THE
19 HOSPITAL SHALL PROVIDE THE ASSISTANCE WITHIN 72 HOURS AFTER THE
20 MINOR EXPRESSES HIS OR HER DESIRE TO FILE AN OBJECTION UNDER THIS
21 SECTION. An employee of the hospital shall not interfere with or
22 fail to act upon a minor's objection to hospitalization. A
23 person who violates this subsection is guilty of a misdemeanor.

24 (5) A COPY OF THE MINOR'S WRITTEN EXPRESSION OF HIS OR HER
25 DESIRE TO FILE AN OBJECTION TO HOSPITALIZATION, OR, IF THE MINOR
26 EXPRESSES ORALLY HIS OR HER DESIRE TO OBJECT, A WRITTEN REPORT BY
27 THE PERSON TO WHOM THE DESIRE IS EXPRESSED SHALL BE MADE PART OF

1 THE MINOR'S PERMANENT MEDICAL RECORD. NOT MORE THAN 7 DAYS AFTER
2 THE MINOR EXPRESSES HIS OR HER DESIRE TO OBJECT TO HOSPITALIZA-
3 TION, A COPY OF THE MINOR'S WRITTEN EXPRESSION OR A COPY OF THE
4 REPORT BY THE PERSON TO WHOM AN ORAL EXPRESSION WAS MADE SHALL BE
5 SENT TO THE ORGANIZATION APPOINTED BY THE GOVERNOR TO PROVIDE
6 PROTECTION AND ADVOCACY SERVICES PURSUANT TO SECTION 931.

7 (6) A MINOR'S OBJECTION TO HOSPITALIZATION SHALL BE EFFEC-
8 TIVE UNTIL AFTER THE HEARING REQUIRED BY SECTION 498N HAS BEEN
9 HELD, UNLESS A WRITTEN WAIVER OF THE HEARING SIGNED BY BOTH THE
10 OBJECTING MINOR AND THE MINOR'S ATTORNEY HAS BEEN FILED WITH THE
11 COURT.