

Legislative Analysis



COUNTY INTERAGENCY AGREEMENT FOR COLLABORATIVE MENTAL HEALTH TREATMENT AND ASSISTANCE PROGRAM

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Senate Bill 558 (H-1)

Sponsor: Senator Tonya Schuitmaker

House Committee: Appropriations

Senate Committee: Judiciary

Complete to 2-13-14

A SUMMARY OF SENATE BILL 558 (H-1) AS REPORTED BY THE HOUSE APPROPRIATIONS COMMITTEE 2-12-14:

Senate Bill 558 (H-1) would amend the Mental Health Code by adding Section 207A.

Senate Bill 558 (H-1) would require each county, no later than October 1, 2014, to have a written interagency agreement for a collaborative program to provide mental health treatment and assistance to individuals with serious mental illness who are considered at risk for 1 or more of the following: entering the criminal justice system; not receiving needed mental health services during incarceration in a county jail; not receiving needed mental health treatment services upon release or discharge from a county jail; and being committed to the jurisdiction of the Department of Corrections.

Senate Bill 558 (H-1) would require parties to the written interagency agreement to include, at a minimum, all of the following parties: the County Sheriff's Department; the County Prosecutor's Office; the community mental health services program (CMHSP) that provides services in that county; the County Board of Commissioners; a District Court Judge; and a Circuit Court Judge.

The interagency agreement shall, at a minimum, cover all of the following areas: guidelines for program eligibility; interparty communication and coordination; day-to-day program administration; involvement of service consumers, family members, and other stakeholders; how the program shall work with local courts and county jails, and address potential participants before and after criminal charges have been filed; resource sharing between the parties to the agreement; screening and assessment procedures; case management guidelines; criteria for completing the collaborative program to provide mental health treatment and assistance; available mental health treatment services; first response procedures for potential cases; and the manner in which administrators will report the program's actions and outcomes to the public.

The counties that have written interagency agreements in place prior to the effective date of the amendatory act could be maintained if the agreements include all of the above minimum requirements for the interagency agreement.

The Department of Community Health (DCH), State Court Administrative Office, and parties to the interagency agreement would be permitted to establish additional policies and procedures

to be included in the county interagency agreement. The DCH would also be permitted to promulgate rules to implement Section 207A.

Senate Bill 559 (H-1) would not require a county to provide funds for the collaborative program to provide mental health treatment and assistance. A county would be required to expend funds for the collaborative program only to the extent that funds have been annually appropriated by the Legislature for these purposes.

BACKGROUND INFORMATION:

The Mental Health Code (MCL 330.1207) requires each CMHSP to provide services to divert persons with serious mental illness, serious emotional disturbance, and developmental disability from possible jail incarceration when appropriate. The FY 2013-14 appropriations act for the DCH includes similar language (Section 411). The boilerplate language also requires each CMHSP or PIHP to have jail diversion services and work toward establishing relations with representative staff of local law enforcement agencies, including county prosecutors' office, county sheriffs' office, county jails, and the courts. In addition, Section 411 encourages written interagency agreements that describes services that agencies are prepared to commit for the local jail diversion effort and procedures used by local law enforcement agencies to access mental health jail diversion efforts.

Executive Order 2013-6 created the Mental Health Diversion Council. The Council was charged with the responsibility of implementing an action plan that improves upon efforts to divert individuals with mental illness and developmental disabilities from the criminal justice system to appropriate treatment. One of the actions to be taken as identified by the Diversion Council was clarifying the statutory and contractual jail diversion relationship between law enforcement agencies and CMHs.

FISCAL IMPACT:

Complying with Senate Bill 558 (H-1) requirements and criteria for a county's written interagency agreement on a collaborative program to provide mental health treatment and assistance may result in some administrative costs for local government. The DCH, the State Court Administrative Office, and local government may also experience a modest increase in administrative costs to the extent that additional policies and procedures are established for inclusion in the interagency agreement and administrative rules are promulgated to implement Section 207A.

Senate Bill 558 (H-1) increases state costs to that extent that new funds are annually appropriated by the Legislature for a collaborative program. For instance, the FY 2014-15 Executive Budget Recommendation for the DCH includes \$3.4 million GF/GP to support crisis intervention teams, in-jail mental health treatment, and data collection and analysis. The cost increase could be offset, however, by savings realized from the diversion of individuals with serious mental illness or developmental disabilities from incarceration in a county jail and/or state prison.

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