

Act No. 155
Public Acts of 1988
Approved by the Governor
June 14, 1988
Filed with the Secretary of State
June 14, 1988

**STATE OF MICHIGAN
84TH LEGISLATURE
REGULAR SESSION OF 1988**

Introduced by Reps. Stabenow, Hollister, DeMars, Gubow, Connors and DeLange

ENROLLED HOUSE BILL No. 5051

AN ACT to amend sections 134, 408, 498b, and 498k of Act No. 258 of the Public Acts of 1974, entitled as amended "An act to modernize, add to, revise, consolidate, and codify the statutes relating to mental health; to delineate the powers and duties of the department of mental health; to establish county community mental health programs; to delineate state and county financial responsibility for public mental health services; to create certain funds; to establish procedures for the civil admission and discharge of mentally ill persons to and from mental health facilities; to establish procedures for the civil admission and discharge of mentally retarded and other developmentally disabled persons to and from facilities; to establish guardianship arrangements for mentally retarded persons; to establish certain rights of persons who receive mental health services; to establish financial liability for the receipt of public mental health services; to establish certain miscellaneous provisions relating to mental health; to establish procedures pertaining to mentally ill and mentally retarded persons who are under criminal sentence, to persons who are mentally incompetent to stand trial, and to persons who have been found not guilty by reason of insanity; and to repeal certain acts and parts of acts," section 408 as amended by Act No. 301 of the Public Acts of 1986 and sections 498b and 498k as added by Act No. 186 of the Public Acts of 1984, being sections 330.1134, 330.1408, 330.1498b, and 330.1498k of the Michigan Compiled Laws; and to add section 498t.

The People of the State of Michigan enact:

Section 1. Sections 134, 408, 498b, and 498k of Act No. 258 of the Public Acts of 1974, section 408 as amended by Act No. 301 of the Public Acts of 1986 and sections 498b and 498k as added by Act No. 186 of the Public Acts of 1984, being sections 330.1134, 330.1408, 330.1498b, and 330.1498k of the Michigan Compiled Laws, are amended and section 498t is added to read as follows:

Sec. 134. (1) The director shall establish a comprehensive system of licensing for mental hospitals, psychiatric hospitals, or psychiatric units in the state to protect the public by insuring that these hospitals and units provide the facilities and the ancillary supporting services necessary to maintain a high quality of patient care. Separate criteria shall be developed for the licensing of hospital beds for minors.

(2) The director shall coordinate all functions within state government affecting mental hospitals, and shall cooperate with other state agencies which establish standards or requirements for mental health care institutions to assure necessary, equitable, and consistent state regulation of these institutions without

duplication of inspections or services. The director may enter into agreements with other state agencies to accomplish this purpose.

Sec. 408. (1) A person is subject to being returned to a hospital if both of the following circumstances exist:

(a) The person was admitted to the hospital by judicial order.

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

(2) The director of a hospital may notify peace officers that a person is subject to being returned to the hospital. Upon notification by the director of the hospital, a peace officer shall take the person into protective custody and return the person to the hospital unless contrary directions have been given by the director of the hospital.

(3) An opportunity for appeal, and notice of that opportunity, shall be provided to a person who objects to being returned from any authorized leave in excess of 10 days.

Sec. 498b. (1) "Certificate" means a certificate as defined in section 400.

(2) "Child psychiatrist" means either of the following:

(a) A psychiatrist who specializes in the evaluation and treatment of minors and is certified or eligible for certification as a child psychiatrist by the American board of psychiatry and neurology as approved by the board of medicine created under article 15 of the public health code, Act No. 368 of the Public Acts of 1978, being sections 333.16101 to 333.18838 of the Michigan Compiled Laws.

(b) A psychiatrist employed by or under contract with the department or county community health board with educational and clinical experience in the evaluation and treatment of minors who is approved by the director.

(3) "Children's diagnostic and treatment service" means a children's diagnostic and treatment service as defined in section 200.

(4) "Community mental health emergency service unit" means a community mental health emergency service unit as defined in section 400.

(5) "County director" means a county director as defined in section 200.

(6) "Court" means the probate court for the county in which a minor who has requested hospitalization, for whom a request for hospitalization has been made, or who has been hospitalized pursuant to this chapter either resides or was found.

(7) "Department" means the department of mental health or the official designee of the director of the department.

(8) "Discharge" means discharge as defined in section 400.

(9) "Emotional disturbance" means mental illness as defined in section 400a, or a severe or persistent emotional condition characterized by seriously impaired personality development, individual adjustment, social adjustment, or emotional growth, which is demonstrated in behavior symptomatic of that impairment.

(10) "Guardian" means a person with authority for the care and custody of a minor pursuant to an order of the probate court or the circuit court.

(11) "Hospital" means a hospital as defined in section 400 which has specialized mental health services for the treatment of minors.

(12) "Hospital director" means the chief executive officer of a hospital or his or her designee.

(13) "Hospitalization" or "hospitalize" means to provide specialized treatment for a minor as an inpatient in a hospital.

Sec. 498k. (1) If a minor who has been admitted to a hospital pursuant to this chapter leaves the hospital without the knowledge and permission of the appropriate hospital staff, the hospital shall immediately notify the minor's parent, guardian, or person in loco parentis, the county director if appropriate, and the appropriate police agency.

(2) If a minor has left a hospital without the knowledge and permission of the appropriate hospital staff or has refused a request to return to the hospital while on an authorized absence from the hospital, and the hospital director believes that the minor should be returned to the hospital, the hospital director shall request that the minor's parent, guardian, or person in loco parentis transport the minor to the hospital. If the parent, guardian, or person in loco parentis is unable, after reasonable effort, to transport the minor, a request may be submitted to the court for an order to transport the minor. If the court is satisfied that a reasonable effort was made to transport the minor, the court shall order a peace officer to take the minor into protective custody for the purpose of returning the minor to the hospital.

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

Sec. 498t. If a person who requests hospitalization of a minor pursuant to section 498d or 498h is unable, after reasonable efforts, to transport the minor for the evaluation required by section 498e, a request may be submitted to the court for an order to transport the minor. If the court is satisfied that a reasonable effort was made by the person requesting hospitalization to transport the minor for evaluation, the court shall order a peace officer to take the minor into protective custody for the purpose of transporting the minor immediately to the evaluation site, and if necessary, from the evaluation site to the hospital for admission. The person requesting the transport order shall meet the minor at the evaluation site and remain with the minor for the duration of the evaluation.

This act is ordered to take immediate effect.

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Clerk of the House of Representatives.

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Secretary of the Senate.

Approved

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Governor.