

HOUSE SUBSTITUTE FOR  
SENATE BILL NO. 685

A bill to amend 1974 PA 258, entitled  
"Mental health code,"  
by amending sections 472a, 473, and 475 (MCL 330.1472a, 330.1473,  
and 330.1475), sections 472a and 475 as added and section 473 as  
amended by 1996 PA 588.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 472a. (1) Upon the receipt of an application under  
2 section 423 or a petition under section 434 and a finding that an  
3 individual is a person requiring treatment, the court shall issue  
4 an initial order of involuntary mental health treatment ~~—, which~~  
5 **that** shall be limited in duration as follows:

6       (a) An initial order of hospitalization shall not exceed 60  
7 days.

8       (b) ~~An~~ **Except as provided in subdivision (d),** an initial  
9 order of alternative treatment shall not exceed 90 days.

1           (c) ~~An~~ **Except as provided in subdivision (e), an** initial  
2 order of combined hospitalization and alternative treatment shall  
3 not exceed 90 days. The hospitalization portion of the initial  
4 order shall not exceed 60 days.

5           (d) **An initial order of assisted outpatient treatment shall**  
6 **not exceed 180 days.**

7           (e) **An initial order of combined hospitalization and assisted**  
8 **outpatient treatment shall not exceed 180 days. The**  
9 **hospitalization portion of the initial order shall not exceed 60**  
10 **days.**

11           (2) Upon the receipt of a petition under section 473 before  
12 the expiration of an initial order under subsection (1) and a  
13 finding that the individual continues to be a person requiring  
14 treatment, the court shall issue a second order for involuntary  
15 mental health treatment ~~—, which~~ **that** shall be limited in  
16 duration as follows:

17           (a) A second order of hospitalization shall not exceed 90  
18 days.

19           (b) A second order of alternative treatment **or assisted**  
20 **outpatient treatment** shall not exceed 1 year.

21           (c) A second order of combined hospitalization and  
22 alternative treatment **or assisted outpatient treatment** shall not  
23 exceed 1 year. The hospitalization portion of the second order  
24 shall not exceed 90 days.

25           (3) Upon the receipt of a petition under section 473 before  
26 the expiration of a second order under subsection (2) and a  
27 finding that the individual continues to be a person requiring

1 treatment, the court shall issue a continuing order for  
2 involuntary mental health treatment ~~—, which~~ **that** shall be  
3 limited in duration as follows:

4 (a) A continuing order of hospitalization shall not exceed 1  
5 year.

6 (b) A continuing order of alternative treatment **or assisted**  
7 **outpatient treatment** shall not exceed 1 year.

8 (c) A continuing order of combined hospitalization and  
9 alternative treatment **or assisted outpatient treatment** shall not  
10 exceed 1 year. The hospitalization portion of a continuing order  
11 for combined hospitalization and alternative treatment **or**  
12 **assisted outpatient treatment** shall not exceed 90 days.

13 (4) Upon the receipt of a petition under section 473 before  
14 the expiration of a continuing order of involuntary mental health  
15 treatment, including a continuing order issued under section 485a  
16 or a 1-year order of hospitalization issued under former  
17 section 472, and a finding that the individual continues to be a  
18 person requiring treatment, the court shall issue another  
19 continuing order for involuntary mental health treatment as  
20 provided in subsection (3) for a period not to exceed 1 year.  
21 The court shall continue to issue consecutive 1-year continuing  
22 orders for involuntary mental health treatment under this section  
23 until a continuing order expires without a petition having been  
24 filed under section 473 or the court finds that the individual is  
25 not a person requiring treatment.

26 (5) If a petition for an order of involuntary mental health  
27 treatment is not brought under section 473 at least 14 days

1 before the expiration of an order of involuntary mental health  
2 treatment as described in subsections (2) to (4), a person who  
3 believes that an individual continues to be a person requiring  
4 treatment may file a petition under section 434 for an initial  
5 order of involuntary mental health treatment as described in  
6 subsection (1).

7 (6) An individual who on March 28, 1996 was subject to an  
8 order of continuing hospitalization for an indefinite period of  
9 time shall be brought for hearing no later than 15 days after the  
10 date of the second 6-month review that occurs after March 28,  
11 1996. If the court finds at the hearing that the individual  
12 continues to be a person requiring treatment, the court shall  
13 enter a continuing order of involuntary mental health treatment  
14 as described in subsection (3).

15 Sec. 473. Not less than 14 days before the expiration of an  
16 initial, second, or continuing order of involuntary mental health  
17 treatment issued under section 472a or section 485a, a hospital  
18 director or an agency or mental health professional supervising  
19 an individual's alternative treatment **or assisted outpatient**  
20 **treatment** shall file a petition for a second or continuing order  
21 of involuntary mental health treatment if the hospital director  
22 or supervisor believes the individual continues to be a person  
23 requiring treatment and that the individual is likely to refuse  
24 treatment on a voluntary basis when the order expires. The  
25 petition shall contain a statement setting forth the reasons for  
26 the hospital director's or supervisor's or their joint  
27 determination that the individual continues to be a person

1 requiring treatment, a statement describing the treatment program  
2 provided to the individual, the results of that course of  
3 treatment, and a clinical estimate as to the time further  
4 treatment will be required. The petition shall be accompanied by  
5 a clinical certificate executed by a psychiatrist.

6       Sec. 475. (1) During the period of an order for alternative  
7 treatment or combined hospitalization and alternative treatment,  
8 if the agency or mental health professional who is supervising an  
9 individual's alternative treatment program determines that the  
10 individual is not complying with the court order or that the  
11 alternative treatment has not been or will not be sufficient to  
12 prevent harm that the individual may inflict on himself or  
13 herself or upon others, then the supervising agency or mental  
14 health professional shall notify the court immediately. If the  
15 individual believes that the alternative treatment program is not  
16 appropriate, the individual may notify the court of that fact.

17       (2) If it comes to the attention of the court that an  
18 individual subject to an order of alternative treatment or  
19 combined hospitalization and alternative treatment is not  
20 complying with the order, that the alternative treatment has not  
21 been or will not be sufficient to prevent harm to the individual  
22 or to others, or that the individual believes that the  
23 alternative treatment program is not appropriate, the court may  
24 do either of the following without a hearing and based upon the  
25 record and other available information:

26       (a) Consider other alternatives to hospitalization and modify  
27 the order to direct the individual to undergo another program of

1 alternative treatment for the duration of the order.

2 (b) Modify the order to direct the individual to undergo  
3 hospitalization or combined hospitalization and alternative  
4 treatment. The duration of the hospitalization, including the  
5 number of days the individual has already been hospitalized if  
6 the order being modified is a combined order, shall not exceed 60  
7 days for an initial order or 90 days for a second or continuing  
8 order. The modified order may provide that if the individual  
9 refuses to comply with the psychiatrist's order to return to the  
10 hospital, a peace officer shall take the individual into  
11 protective custody and transport the individual to the hospital  
12 selected.

13 (3) During the period of an order for assisted outpatient  
14 treatment, if the agency or mental health professional who is  
15 supervising an individual's assisted outpatient treatment  
16 determines that the individual is not complying with the court  
17 order, the supervising agency or mental health professional shall  
18 notify the court immediately.

19 (4) If it comes to the attention of the court that an  
20 individual subject to an order of assisted outpatient treatment  
21 is not complying with the order, the court may require [1 or more of the  
22 following, without a hearing:

23 (a) That the individual be taken to the preadmission screening unit  
24 established by the community mental health services program serving the  
25 community in which the individual resides.

26 (b) That the individual be hospitalized for a period of not more  
than 10 days.

(c) Upon recommendation by the community mental health services  
program serving the community in which the individual resides, that the  
individual be hospitalized for a period of more than 10 days, but not  
longer than the duration of the order for assisted outpatient treatment

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or not longer than 90 days, whichever is less.

(5) The court may direct peace officers to transport the individual to a designated facility or a preadmission screening unit, as applicable, and the court may specify conditions under which the individual may return to assisted outpatient treatment before the order expires.

27 (6) An individual hospitalized without a hearing as provided

1 in subsection (4) may object to the hospitalization according to  
2 the provisions of section 475a.

3 Enacting section 1. This amendatory act does not take  
4 effect unless all of the following bills of the 92nd Legislature  
5 are enacted into law:

- 6 (a) Senate Bill No. 683.
- 7 (b) Senate Bill No. 684.
- 8 (c) Senate Bill No. 686.
- 9 (d) Senate Bill No. 1464.