

HOUSE BILL No. 4880

June 20, 2013, Introduced by Reps. Cavanagh, Faris, Smiley, Santana, Slavens and Heise and referred to the Committee on Health Policy.

A bill to amend 1974 PA 258, entitled
"Mental health code,"
by amending sections 204 and 212 (MCL 330.1204 and 330.1212), as amended by 2012 PA 376.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 204. (1) Except as provided in subsection (4), a
2 community mental health services program established under this
3 chapter shall be a county community mental health agency, a
4 community mental health organization, or a community mental health
5 authority. A county community mental health agency is an official

1 county agency. A community mental health organization or a
2 community mental health authority is a public governmental entity
3 separate from the county or counties that establish it.

4 (2) Procedures and policies for a community mental health
5 organization or a community mental health authority shall be set by
6 the board of the community mental health services program.

7 Procedures and policies for a county community mental health agency
8 shall be set by the board of commissioners or boards of
9 commissioners as prescribed in this subsection. If a county
10 community mental health services agency represents a single county,
11 the county's board of commissioners shall determine the procedures
12 and policies that ~~shall be~~ **ARE** applicable to the **COUNTY COMMUNITY**
13 **MENTAL HEALTH SERVICES** agency. If a county community mental health
14 services agency represents 2 or more counties, the boards of
15 commissioners of the represented counties shall by agreement
16 determine the procedures and policies that ~~shall be~~ **ARE** applicable
17 to the **COUNTY COMMUNITY MENTAL HEALTH SERVICES** agency. In a charter
18 county with an elected county executive, the county executive shall
19 determine the procedures and policies that ~~shall be~~ **ARE** applicable
20 to the **COUNTY COMMUNITY MENTAL HEALTH SERVICES** agency.

21 (3) The procedures and policies for multicounty community
22 mental health services programs shall not take effect until at
23 least 3 public hearings on the proposed procedures and policies
24 have been held.

25 (4) Beginning October 1, 2013, in order to qualify for state
26 support under section 202, if a single county that has situated
27 totally within that county a city having a population of at least

1 500,000 establishes or administers a community mental health
2 services program, that community mental health services program
3 must be established and administered as a community mental health
4 authority as specified under section 205. Any operational changes
5 made by the **COUNTY** community mental health agency that will require
6 a financial commitment from the community mental health authority
7 established as a result of the provisions of this subsection shall
8 be made in consultation with the department director. **EMPLOYEES OF**
9 **THE COMMUNITY MENTAL HEALTH AUTHORITY ESTABLISHED UNDER THIS**
10 **SUBSECTION SHALL REMAIN MEMBERS OF THE COUNTY RETIREMENT SYSTEM**
11 **UNTIL THE COMMUNITY MENTAL HEALTH AUTHORITY'S BOARD CREATES A**
12 **RETIREMENT SYSTEM OR PLAN FOR THAT COMMUNITY MENTAL HEALTH**
13 **AUTHORITY.**

14 Sec. 212. (1) Upon electing to establish a community mental
15 health services program, the county or combination of counties
16 shall establish a 12-member community mental health services board,
17 except as provided in section 214, 219, or 222(2) or (5). Except as
18 provided in subsection (2), each board of commissioners shall by a
19 majority vote appoint the board members from its county.
20 Recommended appointments to the board shall be made annually
21 following the organizational meeting of the board of commissioners.

22 (2) When a single county establishes a community mental health
23 services program and totally situated within that county is a city
24 having a population of at least 500,000, the 12 board members shall
25 be appointed to the board as follows:

26 (a) Six board members appointed by a majority vote of the
27 county board of commissioners from a list of nominees submitted by

1 the county executive of that county. Two board members appointed
2 under this subdivision must be primary consumers or family members
3 of primary consumers. Upon notification that **1 OR MORE NOMINEES**
4 **FROM** the list provided under this subdivision does not meet with
5 the county board of commissioners' approval, the county executive
6 of that county shall submit ~~another list~~ **1 OR MORE NOMINEES** to the
7 county board of commissioners ~~with 6 different nominees~~. **FOR**
8 **CONSIDERATION. NOMINEES ACCEPTED BY COUNTY BOARD OF COMMISSIONERS**
9 **SHALL BE APPOINTED.**

10 (b) Six board members appointed by the county board of
11 commissioners from a list of nominees submitted by the mayor of the
12 city having a population of at least 500,000 that is totally
13 situated within that county. Two board members appointed under this
14 subdivision must be primary consumers or family members of primary
15 consumers. Upon notification that **1 OR MORE NOMINEES FROM** the list
16 provided under this subdivision does not meet with the county board
17 of commissioners' approval, the mayor of the city having a
18 population of at least 500,000 that is totally situated within that
19 county shall submit ~~another list~~ **1 OR MORE NOMINEES** to the county
20 board of commissioners ~~with 6 different nominees~~. **FOR CONSIDERATION.**
21 **NOMINEES ACCEPTED BY THE COUNTY BOARD OF COMMISSIONERS SHALL BE**
22 **APPOINTED.**

23 (3) When a single county establishes a community mental health
24 services program and totally situated within that county is a city
25 having a population of at least 500,000, the 12 board members shall
26 be appointed to the board as the appointments of current board
27 members expire.

1 (4) When a vacancy occurs on a board that has members
2 appointed under subsection (2), the vacancy shall be filled in the
3 same manner as the board member being replaced was appointed.

4 (5) A board member appointed under subsection (2) shall not be
5 an employee or contractor of any of the following:

6 (a) The city or county described in subsection (2).

7 (b) The state.

8 (c) The federal government.

9 (d) A community mental health authority.