

**SUBSTITUTE FOR  
HOUSE BILL NO. 4444**

A bill to amend 1974 PA 258, entitled  
"Mental health code,"  
by amending sections 100c, 100d, 134, 135, 136, 137, 138, 139, 143,  
143a, 148, 149, and 149b (MCL 330.1100c, 330.1100d, 330.1134,  
330.1135, 330.1136, 330.1137, 330.1138, 330.1139, 330.1143,  
330.1143a, 330.1148, 330.1149, and 330.1149b), sections 100c and  
100d as amended by 2014 PA 200, sections 134, 136, 143, 143a, 148,  
149, and 149b as amended by 1994 PA 137, sections 135 and 139 as  
amended by 1995 PA 290, section 137 as amended by 2004 PA 259, and  
section 138 as amended by 2006 PA 207.

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

1       Sec. 100c. (1) "Peace officer" means an officer of the  
2 department of state police or of a law enforcement agency of a  
3 county, township, city, or village who is responsible for the  
4 prevention and detection of crime and enforcement of the criminal

1 laws of this state. For the purposes of sections 408 and 427, peace  
2 officer also includes an officer of the United States ~~secret~~  
3 ~~service~~**SECRET SERVICE** with the officer's consent and a police  
4 officer of the ~~veterans' administration medical center~~  
5 ~~reservation~~**VETERANS' ADMINISTRATION MEDICAL CENTER RESERVATION.**

6 (2) "Peer review" means a process, including the review  
7 process required under section 143a, in which mental health  
8 professionals of a state facility, licensed hospital, or community  
9 mental health services program evaluate the clinical competence of  
10 staff and the quality and appropriateness of care provided to  
11 recipients. Peer review evaluations are confidential in accordance  
12 with section 748(9) and are based on criteria established by the  
13 facility or community mental health services program itself, the  
14 accepted standards of the mental health professions, and the  
15 department.

16 (3) "Person requiring treatment" means an individual who meets  
17 the criteria described in section 401.

18 (4) "Physician" means an individual licensed or otherwise  
19 authorized to engage in the practice of medicine under part 170 of  
20 the public health code, 1978 PA 368, MCL 333.17001 to 333.17084, or  
21 to engage in the practice of osteopathic medicine and surgery under  
22 part 175 of the public health code, 1978 PA 368, MCL 333.17501 to  
23 333.17556.

24 (5) "Primary consumer" means an individual who has received or  
25 is receiving services from the department or a community mental  
26 health services program or services from the private sector  
27 equivalent to those offered by the department or a community mental

1 health services program.

2 (6) "Priority" means preference for and dedication of a major  
3 proportion of resources to specified populations or services.

4 Priority does not mean serving or funding the specified populations  
5 or services to the exclusion of other populations or services.

6 (7) "Protective custody" means the temporary custody of an  
7 individual by a peace officer with or without the individual's  
8 consent for the purpose of protecting that individual's health and  
9 safety, or the health and safety of the public, and for the purpose  
10 of transporting the individual under section 276, 408, or 427 if  
11 the individual appears, in the judgment of the peace officer, to be  
12 a person requiring treatment or is a person requiring treatment.  
13 Protective custody is civil in nature and is not an arrest.

14 ~~—— (8) "Psychiatric partial hospitalization program" means a~~  
15 ~~nonresidential treatment program that provides psychiatric,~~  
16 ~~psychological, social, occupational, nursing, music therapy, and~~  
17 ~~therapeutic recreational services under the supervision of a~~  
18 ~~physician to adults diagnosed as having serious mental illness or~~  
19 ~~minors diagnosed as having serious emotional disturbance who do not~~  
20 ~~require 24-hour continuous mental health care, and that is~~  
21 ~~affiliated with a psychiatric hospital or psychiatric unit to which~~  
22 ~~clients may be transferred if they need inpatient psychiatric care.~~

23 (8) ~~(9)~~ "Psychiatric unit" means a unit of a general hospital  
24 that provides inpatient services for individuals with serious  
25 mental illness or serious emotional disturbance. As used in this  
26 subsection, "general hospital" means a hospital as defined in  
27 section 20106 of the public health code, 1978 PA 368, MCL

1 333.20106.

2 (9) ~~(10)~~ "Psychiatrist" means 1 or more of the following:

3 (a) A physician who has completed a residency program in  
4 psychiatry approved by the ~~accreditation council for graduate~~  
5 ~~medical education or the American osteopathic association,~~  
6 **ACCREDITATION COUNCIL FOR GRADUATE MEDICAL EDUCATION OR THE**  
7 **AMERICAN OSTEOPATHIC ASSOCIATION**, or who has completed 12 months of  
8 psychiatric rotation and is enrolled in an approved residency  
9 program as described in this subdivision.

10 (b) A psychiatrist employed by or under contract with the  
11 department or a community mental health services program on March  
12 28, 1996.

13 (c) A physician who devotes a substantial portion of his or  
14 her time to the practice of psychiatry and is approved by the  
15 director.

16 (10) ~~(11)~~ "Psychologist" means an individual who is licensed  
17 or otherwise authorized to engage in the practice of psychology  
18 under part 182 of the public health code, 1978 PA 368, MCL  
19 333.18201 to 333.18237, and who devotes a substantial portion of  
20 his or her time to the diagnosis and treatment of individuals with  
21 serious mental illness, serious emotional disturbance, substance  
22 use disorder, or developmental disability.

23 (11) ~~(12)~~ "Recipient" means an individual who receives mental  
24 health services from the department, a community mental health  
25 services program, or a facility or from a provider that is under  
26 contract with the department or a community mental health services  
27 program. For the purposes of this act, recipient does not include

1 an individual receiving substance use disorder services under  
2 chapter 2A unless that individual is also receiving mental health  
3 services under this act in conjunction with substance use disorder  
4 services.

5 (12) ~~(13)~~—"Recipient rights advisory committee" means a  
6 committee of a community mental health services program board  
7 appointed under section 757 or a recipient rights advisory  
8 committee appointed by a licensed hospital under section 758.

9 (13) ~~(14)~~—"Recovery" means a highly individualized process of  
10 healing and transformation by which the individual gains control  
11 over his or her life. Related services include recovery management,  
12 recovery support services, recovery houses or transitional living  
13 programs, and relapse prevention. Recovery involves the development  
14 of a new meaning, purpose, and growing beyond the impact of  
15 addiction or a diagnosis. Recovery may include the pursuit of  
16 spiritual, emotional, mental, or physical well-being.

17 (14) ~~(15)~~—"Regional entity" means an entity established under  
18 section 204b to provide specialty services and supports.

19 (15) ~~(16)~~—"Rehabilitation" means the act of restoring an  
20 individual to a state of mental and physical health or useful  
21 activity through vocational or educational training, therapy, and  
22 counseling.

23 (16) ~~(17)~~—"Resident" means an individual who receives services  
24 in a facility.

25 (17) ~~(18)~~—"Responsible mental health agency" means the  
26 hospital, center, or community mental health services program that  
27 has primary responsibility for the recipient's care or for the

1 delivery of services or supports to that recipient.

2 (18) ~~(19)~~ "Rule" means a rule promulgated under the  
3 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to  
4 24.328.

5 Sec. 100d. (1) "Service" means a mental health service or a  
6 substance use disorder service.

7 (2) "Serious emotional disturbance" means a diagnosable  
8 mental, behavioral, or emotional disorder affecting a minor that  
9 exists or has existed during the past year for a period of time  
10 sufficient to meet diagnostic criteria specified in the most recent  
11 ~~diagnostic and statistical manual of mental disorders~~ **DIAGNOSTIC**  
12 **AND STATISTICAL MANUAL OF MENTAL DISORDERS** published by the  
13 American ~~psychiatric association~~ **PSYCHIATRIC ASSOCIATION** and  
14 approved by the department and that has resulted in functional  
15 impairment that substantially interferes with or limits the minor's  
16 role or functioning in family, school, or community activities. The  
17 following disorders are included only if they occur in conjunction  
18 with another diagnosable serious emotional disturbance:

19 (a) A substance use disorder.

20 (b) A developmental disorder.

21 (c) "V" codes in the ~~diagnostic and statistical manual of~~  
22 ~~mental disorders~~ **DIAGNOSTIC AND STATISTICAL MANUAL OF MENTAL**  
23 **DISORDERS**.

24 (3) "Serious mental illness" means a diagnosable mental,  
25 behavioral, or emotional disorder affecting an adult that exists or  
26 has existed within the past year for a period of time sufficient to  
27 meet diagnostic criteria specified in the most recent ~~diagnostic~~

1 ~~and statistical manual of mental disorders~~ **DIAGNOSTIC AND**  
2 **STATISTICAL MANUAL OF MENTAL DISORDERS** published by the American  
3 ~~psychiatric association~~ **PSYCHIATRIC ASSOCIATION** and approved by the  
4 department and that has resulted in functional impairment that  
5 substantially interferes with or limits 1 or more major life  
6 activities. Serious mental illness includes dementia with  
7 delusions, dementia with depressed mood, and dementia with  
8 behavioral disturbance but does not include any other dementia  
9 unless the dementia occurs in conjunction with another diagnosable  
10 serious mental illness. The following disorders also are included  
11 only if they occur in conjunction with another diagnosable serious  
12 mental illness:

13 (a) A substance use disorder.

14 (b) A developmental disorder.

15 (c) A "V" code in the ~~diagnostic and statistical manual of~~  
16 ~~mental disorders~~ **DIAGNOSTIC AND STATISTICAL MANUAL OF MENTAL**  
17 **DISORDERS**.

18 (4) "Special compensation" means payment to an adult foster  
19 care facility to ensure the provision of a specialized program in  
20 addition to the basic payment for adult foster care. Special  
21 compensation does not include payment received directly from the  
22 ~~medicaid~~ **MEDICAID** program for personal care services for a  
23 resident, or payment received under the supplemental security  
24 income program.

25 (5) "Specialized program" means a program of services,  
26 supports, or treatment that are provided in an adult foster care  
27 facility to meet the unique programmatic needs of individuals with

1 serious mental illness or developmental disability as set forth in  
2 the resident's individual plan of services and for which the adult  
3 foster care facility receives special compensation.

4 (6) "Specialized residential service" means a combination of  
5 residential care and mental health services that are expressly  
6 designed to provide rehabilitation and therapy to a recipient, that  
7 are provided in the residence of the recipient, and that are part  
8 of a comprehensive individual plan of services.

9 (7) "State administered funds" means revenues appropriated by  
10 the legislature exclusively for the purposes provided for in regard  
11 to substance use disorder services and prevention.

12 (8) "State facility" means a center or a hospital operated by  
13 the department.

14 (9) "State recipient rights advisory committee" means a  
15 committee appointed by the director under section 756 to advise the  
16 director and the director of the department's office of recipient  
17 rights.

18 (10) "Substance abuse" means the taking of alcohol or other  
19 drugs at dosages that place an individual's social, economic,  
20 psychological, and physical welfare in potential hazard or to the  
21 extent that an individual loses the power of self-control as a  
22 result of the use of alcohol or drugs, or while habitually under  
23 the influence of alcohol or drugs, endangers public health, morals,  
24 safety, or welfare, or a combination thereof.

25 (11) "Substance use disorder" means chronic disorder in which  
26 repeated use of alcohol, drugs, or both, results in significant and  
27 adverse consequences. Substance use disorder includes substance



1 abuse.

2 (12) "Substance use disorder prevention services" means  
3 services that are intended to reduce the consequences of substance  
4 use disorders in communities by preventing or delaying the onset of  
5 substance abuse and that are intended to reduce the progression of  
6 substance use disorders in individuals. Substance use disorder  
7 prevention is an ordered set of steps that promotes individual,  
8 family, and community health, prevents mental and behavioral  
9 disorders, supports resilience and recovery, and reinforces  
10 treatment principles to prevent relapse.

11 (13) "Substance use disorder treatment and rehabilitation  
12 services" means ~~the providing of~~ identifiable recovery-oriented  
13 services including:

14 (a) Early intervention and crisis intervention counseling  
15 services for individuals who are current or former individuals with  
16 substance use disorder.

17 (b) Referral services for individuals with substance use  
18 disorder, their families, and the general public.

19 (c) Planned treatment services, including chemotherapy,  
20 counseling, or rehabilitation for individuals physiologically or  
21 psychologically dependent upon or abusing alcohol or drugs.

22 (14) "Supplemental security income" means the program  
23 authorized under title XVI of the social security act, 42 USC 1381  
24 to 1383f.

25 (15) "Transfer facility" means a facility selected by the  
26 department-designated community mental health entity, which  
27 facility is physically located in a jail or lockup and is staffed

1 by at least 1 designated representative when in use according to  
2 chapter 2A.

3 (16) "Transition services" means a coordinated set of  
4 activities for a special education student designed within an  
5 outcome-oriented process that promotes movement from school to  
6 postschool activities, including postsecondary education,  
7 vocational training, integrated employment including supported  
8 employment, continuing and adult education, adult services,  
9 independent living, or community participation.

10 (17) "Treatment" means care, diagnostic, and therapeutic  
11 services, including the administration of drugs, and any other  
12 service for the treatment of an individual's serious mental  
13 illness, serious emotional disturbance, or substance use disorder.

14 ~~—— (18) "Treatment position" means a unit of measure of the~~  
15 ~~client capacity of a psychiatric partial hospitalization program.~~  
16 ~~Each treatment position represents a minimum of 6 hours per day and~~  
17 ~~5 days per calendar week.~~

18 (18) ~~(19)~~ "Urgent situation" means a situation in which an  
19 individual is determined to be at risk of experiencing an emergency  
20 situation in the near future if he or she does not receive care,  
21 treatment, or support services.

22 (19) ~~(20)~~ "Wraparound services" means an individually designed  
23 set of services provided to minors with serious emotional  
24 disturbance or serious mental illness and their families that  
25 includes treatment services and personal support services or any  
26 other supports necessary to foster education preparedness,  
27 employability, and preservation of the child in the family home.

1 Wraparound services are to be developed through an interagency  
2 collaborative approach and a minor's parent or guardian and a minor  
3 age 14 or older are to participate in planning the services.

4       Sec. 134. (1) The director shall establish a comprehensive  
5 system of licensing for psychiatric hospitals ~~, AND~~ psychiatric  
6 units ~~, and psychiatric partial hospitalization programs~~ in the  
7 state to protect the public by ~~insuring~~ **ENSURING** that these  
8 hospitals ~~, AND~~ units ~~, and programs~~ provide the facilities and the  
9 ancillary supporting services necessary to maintain a high quality  
10 of patient care. Separate criteria shall be developed for ~~the~~  
11 licensing ~~of partial hospitalization treatment positions and~~  
12 hospital beds for minors.

13       (2) The director shall coordinate all functions within state  
14 government affecting psychiatric hospitals, and shall cooperate  
15 with other state agencies that establish standards or requirements  
16 for facilities providing mental health care to assure necessary,  
17 equitable, and consistent state regulation of these facilities  
18 without duplication of inspections or services. The director may  
19 enter into agreements with other state agencies to accomplish this  
20 purpose.

21       Sec. 135. ~~(1) Subject to section 114a, the director, by rule,~~  
22 ~~shall set standards that assure the provision of a quality~~  
23 ~~improvement plan, utilization review, and the appropriate training~~  
24 ~~and education of staff and that require documented policies and~~  
25 ~~procedures for the administration of the services that are offered~~  
26 ~~by a psychiatric partial hospitalization program.~~

27       ~~(2)~~ (1) Subject to section 114a, the director shall promulgate

1 rules to define all of the following:

2 ~~—— (a) Psychiatric~~ **PSYCHIATRIC** hospitals and psychiatric hospital  
3 services to clearly differentiate between the active intensive care  
4 expected in psychiatric hospitals or psychiatric units and that  
5 care which is characteristically expected in general hospitals,  
6 long-term care facilities, or residential facilities.

7 ~~—— (b) Psychiatric partial hospitalization program to clearly~~  
8 ~~differentiate between the active intensive care expected in a~~  
9 ~~psychiatric partial hospitalization program and that care which is~~  
10 ~~characteristically provided in a psychiatric outpatient program.~~

11 ~~—— (c) The relationship between a partial hospitalization program~~  
12 ~~and its affiliated inpatient hospital or unit.~~

13 (2) ~~(3)~~ Sections 134 to 150 do not cover adult foster care  
14 facilities or child care organizations licensed under ~~Act No. 116~~  
15 ~~of the Public Acts of 1973, being sections 722.111 to 722.128 of~~  
16 ~~the Michigan Compiled Laws. 1973 PA 116, MCL 722.111 TO 722.128.~~

17 Sec. 136. The director shall administer sections 134 through  
18 150 and promulgate rules to implement the purposes of sections 134  
19 through 150 for the maintenance and operation of psychiatric  
20 hospitals ~~, AND~~ psychiatric units ~~, and psychiatric partial~~  
21 ~~hospitalization programs~~ as necessary to enable state or private  
22 facilities, or both, to qualify for federal funds available for  
23 patient care or for construction or remodeling of facilities. The  
24 rules shall be promulgated ~~pursuant~~ **ACCORDING** to the administrative  
25 procedures act of 1969, ~~Act No. 306 of the Public Acts of 1969, as~~  
26 ~~amended, being sections 24.201 to 24.328 of the Michigan Compiled~~  
27 ~~Laws. 1969 PA 306, MCL 24.201 TO 24.328.~~

1           Sec. 137. (1) A person shall not construct, establish, or  
2 maintain a psychiatric hospital ~~, OR~~ psychiatric unit ~~, or~~  
3 ~~psychiatric partial hospitalization program~~ or use the terms  
4 psychiatric hospital ~~, OR~~ psychiatric unit ~~, or~~ ~~psychiatric partial~~  
5 ~~hospitalization program~~, without first obtaining a license. The  
6 director shall require an applicant or a licensee to disclose the  
7 names, addresses, and official positions of all persons who have an  
8 ownership interest in a psychiatric hospital ~~, OR~~ psychiatric unit.  
9 ~~, or psychiatric partial hospitalization program.~~ If the  
10 psychiatric hospital ~~, OR~~ psychiatric unit ~~, or~~ ~~psychiatric partial~~  
11 ~~hospitalization program~~ is located on or in real estate that is  
12 leased, the applicant or licensee shall disclose the name of the  
13 lessor and any direct or indirect interest that the applicant or  
14 licensee has in the lease other than as lessee. A ~~nontransferable~~  
15 license shall be granted for ~~2 years~~ **NO LONGER THAN 1 YEAR** after  
16 the date of issuance, unless otherwise provided in sections 134 to  
17 150. The director may issue a provisional license for 1 year to  
18 provide a licensee or applicant time to undertake remedial action  
19 to correct programmatic or physical plant deficiencies. A  
20 provisional license may be renewed for not longer than 1 additional  
21 year. A violation of this section is a misdemeanor and is  
22 punishable by a fine of not more than \$1,000.00 for each violation.

23           (2) ~~Biennial~~ **ANNUAL** licensure of psychiatric hospitals ~~, AND~~  
24 psychiatric units ~~, and~~ ~~psychiatric partial hospitalization~~  
25 ~~programs~~ shall be implemented by March 28, 1997. License fees shall  
26 be prorated according to the period of time that the license will  
27 be in force.

1           (3) ~~Beginning the effective date of the amendatory act that~~  
2 ~~added this subsection, the~~ **THE** department shall issue an initial  
3 license under this section not later than 6 months after the  
4 applicant files a completed application. Receipt of the application  
5 is considered the date the application is received by any agency or  
6 department of this state. If the application is considered  
7 incomplete by the department, the department shall notify the  
8 applicant in writing or make notice electronically available within  
9 30 days after receipt of the incomplete application, describing the  
10 deficiency and requesting additional information. The 6-month  
11 period is tolled upon notification by the department of a  
12 deficiency until the date the requested information is received by  
13 the department. The determination of the completeness of an  
14 application is not an approval of the application for the license  
15 and does not confer eligibility on an applicant determined  
16 otherwise ineligible for issuance of a license.

17           (4) If the department fails to issue or deny a license or  
18 registration within the time required by this section, the  
19 department shall return the license fee and shall reduce the  
20 license fee for the applicant's next renewal application, if any,  
21 by 15%. Failure to issue or deny a license within the time period  
22 required under this section does not allow the department to  
23 otherwise delay the processing of the application. A completed  
24 application shall be placed in sequence with other completed  
25 applications received at that same time. The department shall not  
26 discriminate against an applicant in the processing of the  
27 application based on the fact that the application fee was refunded

1 or discounted under this subsection.

2 (5) ~~Beginning October 1, 2005, the~~ **THE** director of the  
3 department shall submit a report by December 1 of each year to the  
4 standing committees and appropriations subcommittees of the senate  
5 and house of representatives concerned with issues relating to  
6 mental health. The director shall include all of the following  
7 information in the report concerning the preceding fiscal year:

8 (a) The number of initial applications the department received  
9 and completed within the 6-month time period described in  
10 subsection (3).

11 (b) The number of applications rejected.

12 (c) The number of applicants not issued a license within the  
13 6-month time period and the amount of money returned to licensees  
14 under subsection (4).

15 (6) As used in this section, "completed application" means an  
16 application complete on its face and submitted with any applicable  
17 licensing fees as well as any other information, records, approval,  
18 security, or similar item required by law or rule from a local unit  
19 of government, a federal agency, or a private entity but not from  
20 another department or agency of this state.

21 Sec. 138. Before the issuance of an original or ~~biennial~~  
22 **ANNUAL** license, a psychiatric hospital ~~, OR~~ psychiatric unit ~~, or~~  
23 ~~psychiatric partial hospitalization program~~ shall be inspected by  
24 the bureau of fire services created in section 1b of the fire  
25 prevention code, 1941 PA 207, MCL 29.1b. A license shall not be  
26 issued until the bureau of fire services approves the hospital or  
27 unit.

1           Sec. 139. (1) ~~An~~ **UNTIL OCTOBER 1, 2019, AN** applicant for a  
2 license under this act shall submit to the department with the  
3 application form, **OR LICENSE RENEWAL**, a license fee of ~~\$600.00~~  
4 **\$500.00** plus ~~\$7.50~~ **\$10.00** per patient bed. ~~or treatment position.~~  
5 ~~The total license fee shall not exceed \$5,000.00.~~

6           (2) The license fee for a provisional license is the same as  
7 the fee for a license. When the requirements for licensure are met,  
8 the provisional license shall be replaced by a license without an  
9 additional fee for the balance of the ~~2-year~~ **1-YEAR** period.

10           (3) An applicant for a construction permit shall submit to the  
11 department with the application form a permit fee of \$300.00.

12           (4) If an application for a license or permit is denied, or if  
13 a license or permit is revoked before its expiration date, the fees  
14 paid to the department shall not be refunded.

15           Sec. 143. ~~(1)~~ The governing body of a facility licensed under  
16 sections 134 through 150 is responsible for the operation of the  
17 facility, for the selection of the medical staff, and for the  
18 quality of care rendered by the facility. ~~If a licensee contracts~~  
19 ~~with another entity to operate a psychiatric partial~~  
20 ~~hospitalization program, the governing body of the licensee is~~  
21 ~~responsible for the operation of the facility, the selection of the~~  
22 ~~medical staff, and the quality of care rendered by the facility.~~  
23 The governing body shall cooperate with the director of mental  
24 health in the enforcement of sections 134 through 150, and shall  
25 insure that physicians and other personnel for whom a state license  
26 or registration is required are currently licensed or registered.

27 ~~—— (2) A psychiatric partial hospitalization program shall~~



1 ~~develop and implement written policies, procedures, and agreements~~  
2 ~~to ensure the direct transfer or hospitalization of clients between~~  
3 ~~the partial hospitalization program and a psychiatric hospital or~~  
4 ~~psychiatric unit.~~

5       Sec. 143a. (1) The owner, operator, and governing body of a  
6 psychiatric hospital ~~, OR~~ psychiatric unit ~~, or psychiatric partial~~  
7 ~~hospitalization program~~ licensed under this chapter or operated by  
8 the department shall assure that licensed, registered, or certified  
9 mental health professionals admitted to practice in the facility  
10 are organized in order to enable an effective review of the  
11 professional practices in the psychiatric hospital ~~, OR~~ psychiatric  
12 unit ~~, or psychiatric partial hospitalization program~~ for the  
13 purpose of improving the quality of patient care provided in the  
14 facility. This review shall include the quality and appropriateness  
15 of the care provided.

16       (2) The records, data, and knowledge collected for or by  
17 individuals or committees assigned a review function under  
18 subsection (1) are confidential, shall be used only for the  
19 purposes of review, are not public records, and are not subject to  
20 court subpoena.

21       (3) This section does not prevent disclosure of individual  
22 case records ~~pursuant to~~ **UNDER** section 748 or disclosure required  
23 by federal law to the agency designated by the governor to provide  
24 protection and advocacy ~~pursuant to~~ **UNDER** section 931.

25       Sec. 148. The terms psychiatric hospital ~~, OR~~ psychiatric unit  
26 ~~, or psychiatric partial hospitalization program~~ shall not be used  
27 to describe or refer to an institution or program, unless the

1 institution or program is licensed by the director pursuant  
2 **ACCORDING** to sections 134 through 150.

3       Sec. 149. The director may maintain action in the name of the  
4 people of the state to restrain or prevent the construction,  
5 establishment, management, or operation of a psychiatric hospital ~~7~~  
6 **OR** psychiatric unit ~~, or psychiatric partial hospitalization~~  
7 ~~program~~ without a license.

8       Sec. 149b. A psychiatric hospital ~~7~~**OR** psychiatric unit ~~7~~~~or~~  
9 ~~psychiatric partial hospitalization program~~ operated or licensed by  
10 the department shall comply with the medical waste regulatory act,  
11 part 138 of the public health code, ~~Act No. 368 of the Public Acts~~  
12 ~~of 1978, being sections 333.13801 to 333.13831 of the Michigan~~  
13 ~~Compiled Laws.1978 PA 368, MCL 333.13801 TO 333.13832.~~

14       Enacting section 1. This amendatory act takes effect October  
15 1, 2015.