

HOUSE BILL No. 4714

June 7, 2017, Introduced by Reps. Howrylak, Phelps, Neeley, Lucido, Schor, Scott, Brinks, Greig, Sneller, Jones, Guerra, Camilleri, Durhal, Calley, Faris, Clemente, Ellison, Greimel, Chang, Hammoud, Rabhi, Elder, Sowerby, Green, Pagan, Garrett, Singh, Lasinski, Moss, Dianda, Gay-Dagnogo, VanderWall, Kosowski, Zemke and Love and referred to the Committee on Health Policy.

A bill to establish the commission on behavioral health for deaf, deafblind, and hard of hearing within the department of health and human services; to prescribe the powers and duties of the commission, certain state departments, the division, and certain state officers; to require the promulgation of rules; and to provide for an appropriation.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "commission on behavioral health for deaf, deafblind, and hard of
3 hearing act".

4 Sec. 2. As used in this act:

5 (a) "Behavioral health", "deaf", "deafblind", "hard of
6 hearing", and "qualified sign language interpreter" mean those
7 terms as defined in section 2 of the division on behavioral health

1 for deaf, deafblind, and hard of hearing act.

2 (b) "Commission" means the commission on behavioral health for
3 deaf, deafblind, and hard of hearing established in section 5.

4 (c) "Department" means the department of health and human
5 services.

6 (d) "Division" means the division on behavioral health for
7 deaf, deafblind, and hard of hearing established in section 3 of
8 the division on behavioral health for deaf, deafblind, and hard of
9 hearing act.

10 Sec. 3. (1) The commission on behavioral health for deaf,
11 deafblind, and hard of hearing is established within the
12 department. The commission shall direct the division on matters
13 pertaining to behavioral health issues for deaf, deafblind, and
14 hard of hearing persons.

15 (2) The commission shall consist of 13 members appointed by
16 the governor. Members of the commission shall be knowledgeable of
17 behavior heath. The governor shall appoint members to the
18 commission as follows:

19 (a) The division director or his or her designee.

20 (b) Two deaf persons, appointed from a list of nominees
21 submitted by groups that advocate or provide services for deaf
22 persons.

23 (c) Two deafblind persons, appointed from a list of nominees
24 submitted by groups that advocate or provide services for deafblind
25 persons.

26 (d) Two hard of hearing persons, appointed from a list of
27 nominees submitted by groups that advocate or provide services for

1 hard of hearing persons.

2 (e) A parent of a deaf, deafblind, or hard of hearing child,
3 which child is under 21 years of age and has received behavioral
4 health services.

5 (f) Five members who are knowledgeable in fields relating to
6 deaf, deafblind, and hard of hearing behavioral health matters. Not
7 fewer than 3 of these 5 shall be fluent in American sign language.

8 (3) The commission shall elect 1 of its members as the chair
9 of the commission. The division director or his or her designee
10 shall serve as secretary to the commission.

11 (4) Except for the division director or his or her designee
12 and members first appointed, the term of office of each member
13 shall be 3 years. Of the members first appointed, 5 shall serve for
14 3 years, 4 shall serve for 2 years, and 4 shall serve for 1 year. A
15 vacancy on the commission shall be filled in the same manner as the
16 original appointment for the remainder of the unexpired term.

17 (5) Seven members of the commission constitute a quorum for
18 transacting business at a meeting of the commission. Except as
19 provided by rule, action by the commission shall be by vote of a
20 majority of the members present at a meeting. The commission shall
21 meet not less than twice a year at the call of the chairperson.

22 (6) The legislature annually shall fix the per diem
23 compensation of members of the commission. Expenses of members
24 incurred in the performance of official duties shall be reimbursed
25 as provided by law for state employees.

26 (7) The department shall furnish administrative services to
27 the commission and shall provide secretarial and other staff

1 necessary to allow the proper exercise of the powers and duties of
2 the commission. The department shall provide adequate office space
3 to the commission. The department shall make available the times
4 and places of commission meetings and keep minutes of the meetings
5 and a record of the actions of the commission.

6 (8) The department shall assign professional employees to
7 staff the commission to assist the commission in the performance of
8 its substantive responsibilities under this act.

9 Sec. 4. (1) The business that the commission may perform shall
10 be conducted at a public meeting held in compliance with the open
11 meetings act, 1976 PA 267, MCL 15.261 to 15.275. Public notice of
12 the time, date, and place of the meeting shall be given in the
13 manner required by the open meetings act, 1976 PA 267, MCL 15.261
14 to 15.275.

15 (2) A writing prepared, owned, used, in the possession of, or
16 retained by the commission in the performance of an official
17 function shall be made available to the public in compliance with
18 the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

19 Sec. 5. The department shall promulgate, as necessary, rules
20 to implement this act according to the administrative procedures
21 act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

22 Sec. 6. The legislature annually shall appropriate a sum
23 sufficient to implement this act.

24 Enacting section 1. This act takes effect 90 days after the
25 date it is enacted into law.

26 Enacting section 2. This act does not take effect unless
27 Senate Bill No. _____ or House Bill No. 4713 (request no. 00608'17) of

1 the 99th Legislature is enacted into law.