

# HOUSE BILL NO. 6398

September 22, 2022, Introduced by Rep. Cherry and referred to the Committee on Health Policy.

A bill to amend 1974 PA 258, entitled  
"Mental health code,"  
by amending section 100c (MCL 330.1100c), as amended by 2020 PA  
285.

**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 an officer~~ of a law enforcement  
3 agency of a county, township, city, or village who is responsible  
4 for preventing and detecting crime and enforcing the criminal laws  
5 of this state, **or an officer of a law enforcement agency who is**

1 **licensed under the Michigan commission on law enforcement standards**  
2 **act, 1965 PA 203, MCL 28.601 to 28.615.** For the purposes of  
3 sections 408, 426, 427a, and 427b, peace officer also includes an  
4 officer of the United States Secret Service with the officer's  
5 consent and a police officer of the Veterans' Administration  
6 Medical Center Reservation.

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

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

19 (4) "Physician" means an individual licensed or otherwise  
20 authorized to engage in the practice of medicine under part 170 of  
21 the public health code, 1978 PA 368, MCL 333.17001 to 333.17097, or  
22 to engage in the practice of osteopathic medicine and surgery under  
23 part 175 of the public health code, 1978 PA 368, MCL 333.17501 to  
24 333.17556.

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

1           (6) "Priority" means preference for and dedication of a major  
2 proportion of resources to specified populations or services.  
3 Priority does not mean serving or funding the specified populations  
4 or services to the exclusion of other populations or services.

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

13           (8) "Psychiatric residential treatment facility" or "PRTF"  
14 means a facility other than a hospital that provides psychiatric  
15 services, as described in 42 CFR 441.151 to ~~441.182~~, **441.184**, in an  
16 inpatient setting to individuals under age 21.

17           (9) "Psychiatric unit" means a unit of a general hospital that  
18 provides inpatient services for individuals with serious mental  
19 illness or serious emotional disturbance. As used in this  
20 subsection, "general hospital" means a hospital as defined in  
21 section 20106 of the public health code, 1978 PA 368, MCL  
22 333.20106.

23           (10) "Psychiatrist" means 1 or more of the following:

24           (a) A physician who has completed a residency program in  
25 psychiatry approved by the Accreditation Council for Graduate  
26 Medical Education or the American Osteopathic Association, or who  
27 has completed 12 months of psychiatric rotation and is enrolled in  
28 an approved residency program as described in this subdivision.

29           (b) A psychiatrist employed by or under contract with the

1 department or a community mental health services program on March  
2 28, 1996.

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

6 (11) "Psychologist" means an individual who is licensed or  
7 otherwise authorized to engage in the practice of psychology under  
8 part 182 of the public health code, 1978 PA 368, MCL 333.18201 to  
9 333.18237, and who devotes a substantial portion of his or her time  
10 to the diagnosis and treatment of individuals with serious mental  
11 illness, serious emotional disturbance, substance use disorder, or  
12 developmental disability.

13 (12) "Public patient" means an individual approved for mental  
14 health services by a community mental health services program.  
15 Public patient includes an individual who is admitted as a patient  
16 under section 423, 429, or 438.

17 (13) "Recipient" means an individual who receives mental  
18 health services, either in person or through telemedicine, from the  
19 department, a community mental health services program, or a  
20 facility or from a provider that is under contract with the  
21 department or a community mental health services program. For the  
22 purposes of this act, recipient does not include an individual  
23 receiving substance use disorder services under chapter 2A unless  
24 that individual is also receiving mental health services under this  
25 act in conjunction with substance use disorder services.

26 (14) "Recipient rights advisory committee" means a committee  
27 of a community mental health services program board appointed under  
28 section 757 or a recipient rights advisory committee appointed by a  
29 licensed hospital under section 758.

1           (15) "Recovery" means a highly individualized process of  
2 healing and transformation by which the individual gains control  
3 over his or her life. Related services include recovery management,  
4 recovery support services, recovery houses or transitional living  
5 programs, and relapse prevention. Recovery involves the development  
6 of a new meaning, purpose, and growing beyond the impact of  
7 addiction or a diagnosis. Recovery may include the pursuit of  
8 spiritual, emotional, mental, or physical well-being.

9           (16) "Regional entity" means an entity established under  
10 section 204b to provide specialty services and supports.

11           (17) "Rehabilitation" means the act of restoring an individual  
12 to a state of mental and physical health or useful activity through  
13 vocational or educational training, therapy, and counseling.

14           (18) "Resident" means an individual who receives services in a  
15 facility.

16           (19) "Responsible mental health agency" means the hospital,  
17 center, or community mental health services program that has  
18 primary responsibility for the recipient's care or for ~~the delivery~~  
19 ~~of~~ **delivering** services or supports to that recipient.

20           (20) "Rule" means a rule promulgated under the administrative  
21 procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.