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House Bill 5043 (Substitute S-1 as reported)
House Bill 5044 (as reported without amendment)
Sponsor: Representative Hank Vaupel (H.B. 5043)
Representative LaTanya Garrett (H.B. 5044)
House Committee: Health Policy
Ways and Means
Senate Committee: Health Policy and Human Services

CONTENT

House Bill 5043 (S-1) would amend the Mental Health Code to do the following:

- Require a recipient or his or her individual representative to be offered an opportunity to request mediation to resolve a dispute between the recipient and a community mental health service program or other provider under contract with the program related to certain services or supports to the recipient.
- Require a community mental health services program or service provider to notify a recipient of the rights to request and access mediation at the time services or supports were initiated and at least annually thereafter.
- Require the Department of Health and Human Services (DHHS) to provide funding and directly contract with one or more mediation organizations to fulfill the bill's provisions.
- Specify that a mediator would have to be an individual trained in effective mediation technique and mediator standards of conduct.
- Require a mediation to begin within 10 business days after a recording, and be completed within 30 days after the recording, unless extended by both parties.
- Require a mediator to prepare certain documents depending on the outcome of the mediation process.
- Require a contracted mediation organization to provide a report with aggregate data and a summary of outcomes to the DHHS.

The bill also would repeal Section 788 of the Mental Health Code, which allows parties to agree to mediation of a dispute involving a violation of the Code anytime after the Office of Recipient Rights completes an investigative report.

House Bill 5044 would amend the Foster Care and Adoption Services Act to change citations to the Michigan Compiled Law sections that House Bill 5043 (S-1) would amend.

House Bill 5044 is tie-barred to House Bill 5043.

MCL 330.1100b et al. (H.B. 5043)
722.954c (H.B. 5044)

Legislative Analyst: Tyler VanHuyse

FISCAL IMPACT

House Bill 5043 (S-1) would have a minor fiscal impact on State and local government. Clients would have the ability to seek mediation and there would be costs for the mediation services.

The DHHS would have to contract directly with mediation organizations. It is not clear whether community mental health services programs (CMHSPs) would bear financial responsibility for those services. As such, while there would be minor net costs from outside mediation rather than internal processes, it is not clear how the costs potentially could be split between the DHHS and the CMHSPs.

House Bill 5044 would have no fiscal impact on State or local government.

Date Completed: 2-5-20

Fiscal Analyst: Steve Angelotti