

**SUBSTITUTE FOR
HOUSE BILL NO. 5832**

A bill to amend 1974 PA 258, entitled "Mental health code," by amending sections 100a, 100b, 161, 409, and 439 (MCL 330.1100a, 330.1100b, 330.1161, 330.1409, and 330.1439), section 100a as amended by 2018 PA 595, section 100b as amended by 2020 PA 55, section 161 as amended by 2012 PA 500, section 409 as amended by 2018 PA 593, and section 439 as added by 1986 PA 118, and by adding sections 971, 972, 973, 974, 975, 976, 977, 978, and 979.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 100a. (1) "Abilities" means the qualities, skills, and
- 2 competencies of an individual that reflect the individual's talents
- 3 and acquired proficiencies.
- 4 (2) "Abuse" means nonaccidental physical or emotional harm to



1 a recipient, or sexual contact with or sexual penetration of a
2 recipient as those terms are defined in section 520a of the
3 Michigan penal code, 1931 PA 328, MCL 750.520a, that is committed
4 by an employee or volunteer of the department, a community mental
5 health services program, or a licensed hospital or by an employee
6 or volunteer of a service provider under contract with the
7 department, community mental health services program, or licensed
8 hospital.

9 (3) "Adaptive skills" means skills in 1 or more of the
10 following areas:

- 11 (a) Communication.
- 12 (b) Self-care.
- 13 (c) Home living.
- 14 (d) Social skills.
- 15 (e) Community use.
- 16 (f) Self-direction.
- 17 (g) Health and safety.
- 18 (h) Functional academics.
- 19 (i) Leisure.
- 20 (j) Work.

21 (4) "Adult foster care facility" means an adult foster care
22 facility licensed under the adult foster care facility licensing
23 act, 1979 PA 218, MCL 400.701 to 400.737.

24 (5) "Alcohol and drug abuse counseling" means the act of
25 counseling, modification of substance use disorder related
26 behavior, and prevention techniques for individuals with substance
27 use disorder, their significant others, and individuals who could
28 potentially develop a substance use disorder.

29 (6) "Applicant" means an individual or his or her legal



1 representative who makes a request for mental health services.

2 (7) "Approved service program" means a substance use disorder
3 services program licensed under part 62 of the public health code,
4 1978 PA 368, MCL 333.6230 to 333.6251, to provide substance use
5 disorder treatment and rehabilitation services by the department-
6 designated community mental health entity and approved by the
7 federal government to deliver a service or combination of services
8 for the treatment of incapacitated individuals.

9 (8) "Assisted outpatient treatment" or "AOT" means the
10 categories of outpatient services ordered by the court under
11 section 468 or 469a. Assisted outpatient treatment may include a
12 case management plan and case management services to provide care
13 coordination under the supervision of a psychiatrist and developed
14 in accordance with person-centered planning under section 712.
15 Assisted outpatient treatment may also include 1 or more of the
16 following categories of services: medication; periodic blood tests
17 or urinalysis to determine compliance with prescribed medications;
18 individual or group therapy; day or partial day programming
19 activities; vocational, educational, or self-help training or
20 activities; assertive community treatment team services; alcohol or
21 substance use disorder treatment and counseling and periodic tests
22 for the presence of alcohol or illegal drugs for an individual with
23 a history of alcohol abuse or substance use disorder; supervision
24 of living arrangements; and any other services within a local or
25 unified services plan developed under this act that are prescribed
26 to treat the individual's mental illness and to assist the
27 individual in living and functioning in the community or to attempt
28 to prevent a relapse or deterioration that may reasonably be
29 predicted to result in suicide, the need for hospitalization, or



1 serious violent behavior. The medical review and direction included
2 in an assisted outpatient treatment plan shall be provided under
3 the supervision of a psychiatrist.

4 (9) "Board" means the governing body of a community mental
5 health services program.

6 (10) "Board of commissioners" means a county board of
7 commissioners.

8 (11) "Center" means a facility operated by the department to
9 admit individuals with developmental disabilities and provide
10 habilitation and treatment services.

11 (12) "Certification" means formal approval of a program by the
12 department in accordance with standards developed or approved by
13 the department.

14 (13) "Child abuse" and "child neglect" mean those terms as
15 defined in section 2 of the child protection law, 1975 PA 238, MCL
16 722.622.

17 (14) "Child and adolescent psychiatrist" means 1 or more of
18 the following:

19 (a) A physician who has completed a residency program in child
20 and adolescent psychiatry approved by the Accreditation Council for
21 Graduate Medical Education or the American Osteopathic Association,
22 or who has completed 12 months of child and adolescent psychiatric
23 rotation and is enrolled in an approved residency program as
24 described in this subsection.

25 (b) A psychiatrist employed by or under contract as a child
26 and adolescent psychiatrist with the department or a community
27 mental health services program on March 28, 1996, who has education
28 and clinical experience in the evaluation and treatment of children
29 or adolescents with serious emotional disturbance.



1 (c) A psychiatrist who has education and clinical experience
2 in the evaluation and treatment of children or adolescents with
3 serious emotional disturbance who is approved by the director.

4 (15) "Children's diagnostic and treatment service" means a
5 program operated by or under contract with a community mental
6 health services program, that provides examination, evaluation, and
7 referrals for minors, including emergency referrals, that provides
8 or facilitates treatment for minors, and that has been certified by
9 the department.

10 (16) "Community mental health authority" means a separate
11 legal public governmental entity created under section 205 to
12 operate as a community mental health services program.

13 (17) "Community mental health organization" means a community
14 mental health services program that is organized under the urban
15 cooperation act of 1967, 1967 (Ex Sess) PA 7, MCL 124.501 to
16 124.512.

17 (18) "Community mental health services program" means a
18 program operated under chapter 2 as a county community mental
19 health agency, a community mental health authority, or a community
20 mental health organization.

21 (19) "Consent" means a written agreement executed by a
22 recipient, a minor recipient's parent, a recipient's legal
23 representative with authority to execute a consent, or a full or
24 limited guardian authorized under the estates and protected
25 individuals code, 1998 PA 386, MCL 700.1101 to 700.8206, with the
26 authority to consent, or a verbal agreement of a recipient that is
27 witnessed and documented by an individual other than the individual
28 providing treatment.

29 (20) "County community mental health agency" means an official



1 county or multicounty agency created under section 210 that
 2 operates as a community mental health services program and that has
 3 not elected to become a community mental health authority or a
 4 community mental health organization.

5 **(21) "Crisis stabilization unit" means a prescreening unit**
 6 **established under section 409 or a facility certified under chapter**
 7 **9A that provides unscheduled clinical services designed to prevent**
 8 **or ameliorate a behavioral health crisis or reduce acute symptoms**
 9 **on an immediate, intensive, and time-limited basis in response to a**
 10 **crisis situation.**

11 **(22) ~~(21)~~"Department"** means the department of health and
 12 human services.

13 **(23) ~~(22)~~"Department-designated community mental health**
 14 **entity"** means the community mental health authority, community
 15 mental health organization, community mental health services
 16 program, county community mental health agency, or community mental
 17 health regional entity designated by the department to represent a
 18 region of community mental health authorities, community mental
 19 health organizations, community mental health services programs, or
 20 county community mental health agencies.

21 **(24) ~~(23)~~"Dependent living setting"** means all of the
 22 following:

23 (a) An adult foster care facility.

24 (b) A nursing home licensed under part 217 of the public
 25 health code, 1978 PA 368, MCL 333.21701 to 333.21799e.

26 (c) A home for the aged licensed under part 213 of the public
 27 health code, 1978 PA 368, MCL 333.21301 to 333.21335.

28 **(25) ~~(24)~~"Designated representative"** means any of the
 29 following:



1 (a) A registered nurse or licensed practical nurse licensed or
2 otherwise authorized under part 172 of the public health code, 1978
3 PA 368, MCL 333.17201 to 333.17242.

4 (b) A paramedic licensed or otherwise authorized under part
5 209 of the public health code, 1978 PA 368, MCL 333.20901 to
6 333.20979.

7 (c) A physician's assistant licensed or otherwise authorized
8 under part 170 or 175 of the public health code, 1978 PA 368, MCL
9 333.17001 to ~~333.17084~~ **333.17097** and 333.17501 to 333.17556.

10 (d) An individual qualified by education, training, and
11 experience who performs acts, tasks, or functions under the
12 supervision of a physician.

13 **(26)** ~~(25)~~ "Developmental disability" means either of the
14 following:

15 (a) If applied to an individual older than 5 years of age, a
16 severe, chronic condition that meets all of the following
17 requirements:

18 (i) Is attributable to a mental or physical impairment or a
19 combination of mental and physical impairments.

20 (ii) Is manifested before the individual is 22 years old.

21 (iii) Is likely to continue indefinitely.

22 (iv) Results in substantial functional limitations in 3 or more
23 of the following areas of major life activity:

24 (A) Self-care.

25 (B) Receptive and expressive language.

26 (C) Learning.

27 (D) Mobility.

28 (E) Self-direction.

29 (F) Capacity for independent living.



1 (G) Economic self-sufficiency.

2 (v) Reflects the individual's need for a combination and
3 sequence of special, interdisciplinary, or generic care, treatment,
4 or other services that are of lifelong or extended duration and are
5 individually planned and coordinated.

6 (b) If applied to a minor from birth to 5 years of age, a
7 substantial developmental delay or a specific congenital or
8 acquired condition with a high probability of resulting in
9 developmental disability as defined in subdivision (a) if services
10 are not provided.

11 (27) ~~(26)~~—"Director" means the director of the department or
12 his or her designee.

13 (28) ~~(27)~~—"Discharge" means an absolute, unconditional release
14 of an individual from a facility by action of the facility or a
15 court.

16 (29) ~~(28)~~—"Eligible minor" means an individual less than 18
17 years of age who is recommended in the written report of a
18 multidisciplinary team under rules promulgated by the department of
19 education to be classified as 1 of the following:

20 (a) Severely mentally impaired.

21 (b) Severely multiply impaired.

22 (c) Autistic impaired and receiving special education services
23 in a program designed for the autistic impaired under ~~subsection~~
24 ~~(1)~~ of R 340.1758 of the Michigan Administrative Code or in a
25 program designed for the severely mentally impaired or severely
26 multiply impaired.

27 (30) ~~(29)~~—"Emergency situation" means a situation in which an
28 individual is experiencing a serious mental illness or a
29 developmental disability, or a minor is experiencing a serious



1 emotional disturbance, and 1 of the following applies:

2 (a) The individual can reasonably be expected within the near
3 future to physically injure himself, herself, or another
4 individual, either intentionally or unintentionally.

5 (b) The individual is unable to provide himself or herself
6 food, clothing, or shelter or to attend to basic physical
7 activities such as eating, toileting, bathing, grooming, dressing,
8 or ambulating, and this inability may lead in the near future to
9 harm to the individual or to another individual.

10 (c) The individual has mental illness that has impaired his or
11 her judgment so that the individual is unable to understand his or
12 her need for treatment and presents a risk of harm.

13 **(31)** ~~(30)~~ "Executive director" means an individual appointed
14 under section 226 to direct a community mental health services
15 program or his or her designee.

16 Sec. 100b. (1) ~~"Facility"~~ **Except as otherwise provided in this**
17 **subsection, "facility"** means a residential facility for the care or
18 treatment of individuals with serious mental illness, serious
19 emotional disturbance, or developmental disability that is either a
20 state facility or a licensed facility. **Facility includes a**
21 **preadmission screening unit established under section 409 that is**
22 **operating a crisis stabilization unit.**

23 (2) "Family" as used in sections 156 to 161 means an eligible
24 minor and his or her parent or legal guardian.

25 (3) "Family member" means a parent, stepparent, spouse,
26 sibling, child, or grandparent of a primary consumer, or an
27 individual upon whom a primary consumer is dependent for at least
28 50% of his or her financial support.

29 (4) "Federal funds" means funds received from the federal



1 government under a categorical grant or similar program and does
2 not include federal funds received under a revenue sharing
3 arrangement.

4 (5) "Functional impairment" means both of the following:

5 (a) With regard to serious emotional disturbance, substantial
6 interference with or limitation of a minor's achievement or
7 maintenance of 1 or more developmentally appropriate social,
8 behavioral, cognitive, communicative, or adaptive skills.

9 (b) With regard to serious mental illness, substantial
10 interference or limitation of role functioning in 1 or more major
11 life activities including basic living skills such as eating,
12 bathing, and dressing; instrumental living skills such as
13 maintaining a household, managing money, getting around the
14 community, and taking prescribed medication; and functioning in
15 social, vocational, and educational contexts.

16 (6) "Guardian" means a person appointed by the court to
17 exercise specific powers over an individual who is a minor, legally
18 incapacitated, or developmentally disabled.

19 (7) "Hospital" or "psychiatric hospital" means an inpatient
20 program operated by the department for the treatment of individuals
21 with serious mental illness or serious emotional disturbance or a
22 psychiatric hospital or psychiatric unit licensed under section
23 137.

24 (8) "Hospital director" means the chief administrative officer
25 of a hospital or his or her designee.

26 (9) "Hospitalization" or "hospitalize" means to provide
27 treatment for an individual as an inpatient in a hospital.

28 (10) "Incapacitated" means that an individual, as a result of
29 the use of alcohol or other drugs, is unconscious or has his or her



1 mental or physical functioning so impaired that he or she either
2 poses an immediate and substantial danger to his or her own health
3 and safety or is endangering the health and safety of the public.

4 (11) "Individual plan of services" or "plan of services" means
5 a written individual plan of services developed with a recipient as
6 required by section 712.

7 (12) "Individual representative" means a recipient's legal
8 guardian, minor recipient's parent, or other person authorized by
9 law to represent the recipient in decision-making related to the
10 recipient's services and supports.

11 (13) "Intellectual disability" means a condition manifesting
12 before the age of 18 years that is characterized by significantly
13 subaverage intellectual functioning and related limitations in 2 or
14 more adaptive skills and that is diagnosed based on the following
15 assumptions:

16 (a) Valid assessment considers cultural and linguistic
17 diversity, as well as differences in communication and behavioral
18 factors.

19 (b) The existence of limitation in adaptive skills occurs
20 within the context of community environments typical of the
21 individual's age peers and is indexed to the individual's
22 particular needs for support.

23 (c) Specific adaptive skill limitations often coexist with
24 strengths in other adaptive skills or other personal capabilities.

25 (d) With appropriate supports over a sustained period, the
26 life functioning of the individual with an intellectual disability
27 will generally improve.

28 (14) "Licensed facility" means a facility licensed by the
29 department under section 137 or an adult foster care facility.



1 (15) "Licensed psychologist" means a doctoral level
2 psychologist licensed under section 18223(1) of the public health
3 code, 1978 PA 368, MCL 333.18223.

4 (16) "Mediation" means a confidential process in which a
5 neutral third party facilitates communication between parties,
6 assists in identifying issues, and helps explore solutions to
7 promote a mutually acceptable resolution. A mediator does not have
8 authoritative decision-making power.

9 (17) "Medical director" means a psychiatrist appointed under
10 section 231 to advise the executive director of a community mental
11 health services program.

12 (18) "Mental health professional" means an individual who is
13 trained and experienced in the area of mental illness or
14 developmental disabilities and who is 1 of the following:

15 (a) A physician.

16 (b) A psychologist.

17 (c) A registered professional nurse licensed or otherwise
18 authorized to engage in the practice of nursing under part 172 of
19 the public health code, 1978 PA 368, MCL 333.17201 to 333.17242.

20 (d) A licensed master's social worker licensed or otherwise
21 authorized to engage in the practice of social work at the master's
22 level under part 185 of the public health code, 1978 PA 368, MCL
23 333.18501 to 333.18518.

24 (e) A licensed professional counselor licensed or otherwise
25 authorized to engage in the practice of counseling under part 181
26 of the public health code, 1978 PA 368, MCL 333.18101 to 333.18117.

27 (f) A marriage and family therapist licensed or otherwise
28 authorized to engage in the practice of marriage and family therapy
29 under part 169 of the public health code, 1978 PA 368, MCL



1 333.16901 to 333.16915.

2 (19) "Minor" means an individual under the age of 18 years.

3 (20) "Multicultural services" means specialized mental health
4 services for multicultural populations such as African-Americans,
5 Hispanics, Native Americans, Asian and Pacific Islanders, and
6 Arab/Chaldean-Americans.

7 (21) "Neglect" means an act or failure to act committed by an
8 employee or volunteer of the department, a community mental health
9 services program, or a licensed hospital; a service provider under
10 contract with the department, a community mental health services
11 program, or a licensed hospital; or an employee or volunteer of a
12 service provider under contract with the department, a community
13 mental health services program, or a licensed hospital, that denies
14 a recipient the standard of care or treatment to which he or she is
15 entitled under this act.

16 Sec. 161. In conjunction with community mental health services
17 programs, the department ~~shall~~**must** conduct annually and forward to
18 the governor and the house **of representatives** and senate
19 appropriations committees, and the senate and house **of**
20 **representatives** committees with legislative oversight of human
21 services and mental health, an evaluation of the family support
22 subsidy program that shall include, but is not limited to, all of
23 the following:

24 (a) The impact of the family support subsidy program upon
25 children covered by this act in facilities and residential care
26 programs including, to the extent possible, sample case reviews of
27 families who choose not to participate.

28 (b) Case reviews of families who voluntarily terminate
29 participation in the family support subsidy program for any reason,



1 particularly ~~when~~**if** the eligible minor is placed out of the family
 2 home, including the involvement of the department and community
 3 mental health services programs in offering suitable alternatives.

4 (c) Sample assessments of families receiving family support
 5 subsidy payments including adequacy of subsidy and need for
 6 services not available.

7 (d) The efforts to encourage program participation of eligible
 8 families.

9 (e) The geographic distribution of families receiving subsidy
 10 payments and, to the extent possible, eligible minors presumed to
 11 be eligible for family support subsidy payments.

12 (f) Programmatic and legislative recommendations to further
 13 assist families in providing care for eligible minors.

14 (g) Problems that arise in identifying eligible minors through
 15 diagnostic evaluations performed under rules promulgated by the
 16 department of education.

17 (h) The number of beds reduced in state facilities and foster
 18 care facilities serving severely mentally, multiply, and autistic
 19 impaired children when the children return home to their natural
 20 families as a result of the **family support** subsidy program.

21 (i) Caseload figures by eligibility category as described in
 22 section ~~100a(28)~~**100a(29)**.

23 Sec. 409. (1) Each community mental health services program
 24 shall establish 1 or more preadmission screening units with 24-hour
 25 availability to provide assessment and screening services for
 26 individuals being considered for admission into hospitals, ~~or~~
 27 assisted outpatient treatment programs, **or crisis services on a**
 28 **voluntary basis**. The community mental health services program shall
 29 employ mental health professionals or licensed bachelor's social



1 workers licensed under part 185 of the public health code, 1978 PA
2 368, MCL 333.18501 to 333.18518, to provide the preadmission
3 screening services or contract with another agency that meets the
4 requirements of this section. Preadmission screening unit staff
5 shall be supervised by a registered professional nurse or other
6 mental health professional possessing at least a master's degree.

7 (2) Each community mental health services program shall
8 provide the address and telephone number of its preadmission
9 screening unit or units to law enforcement agencies, the
10 department, the court, and hospital emergency rooms.

11 (3) A preadmission screening unit shall assess an individual
12 being considered for admission into a hospital operated by the
13 department or under contract with the community mental health
14 services program. If the individual is clinically suitable for
15 hospitalization, the preadmission screening unit shall authorize
16 voluntary admission to the hospital.

17 (4) If the preadmission screening unit of the community mental
18 health services program denies hospitalization, the individual or
19 the person making the application may request a second opinion from
20 the executive director. The executive director shall arrange for an
21 additional evaluation by a psychiatrist, other physician, or
22 licensed psychologist to be performed within 3 days, excluding
23 Sundays and legal holidays, after the executive director receives
24 the request. If the conclusion of the second opinion is different
25 from the conclusion of the preadmission screening unit, the
26 executive director, in conjunction with the medical director, shall
27 make a decision based on all clinical information available. The
28 executive director's decision shall be confirmed in writing to the
29 individual who requested the second opinion, and the confirming



1 document shall include the signatures of the executive director and
2 medical director or verification that the decision was made in
3 conjunction with the medical director. If an individual is assessed
4 and found not to be clinically suitable for hospitalization, the
5 preadmission screening unit shall provide appropriate referral
6 services.

7 (5) If an individual is assessed and found not to be
8 clinically suitable for hospitalization, the preadmission screening
9 unit shall provide information regarding alternative services and
10 the availability of those services, and make appropriate referrals.

11 (6) A preadmission screening unit shall assess and examine, or
12 refer to a hospital for examination, an individual who is brought
13 to the **preadmission screening** unit by a peace officer or ordered by
14 a court to be examined. If the individual meets the requirements
15 for hospitalization, the preadmission screening unit shall
16 designate the hospital to which the individual shall be admitted.
17 The preadmission screening unit shall consult with the individual
18 and, if the individual agrees, ~~it shall~~ **the preadmission screening**
19 **unit must** consult with the individual's family member of choice, if
20 available, as to the preferred hospital for admission of the
21 individual.

22 (7) **A preadmission screening unit may operate a crisis**
23 **stabilization unit under chapter 9A. A preadmission screening unit**
24 **may provide crisis services to an individual, who by assessment and**
25 **screening, is found to be a person requiring treatment. Crisis**
26 **services at a crisis stabilization unit must entail an initial**
27 **psychosocial assessment by a master's level mental health**
28 **professional and a psychiatric evaluation within 24 hours to**
29 **stabilize the individual. In this event, crisis services may be**



1 provided for a period of up to 72 hours, after which the individual
 2 must be provided with the clinically appropriate level of care,
 3 resulting in 1 of the following:

4 (a) The individual is no longer a person requiring treatment.

5 (b) A referral to outpatient services for aftercare treatment.

6 (c) A referral to a partial hospitalization program.

7 (d) A referral to a residential treatment center, including
 8 crisis residential services.

9 (e) A referral to an inpatient bed.

10 (f) An order for involuntary treatment of the individual has
 11 been issued under section 281b, 281c, former 433, or 434.

12 (8) A preadmission screening unit operating a crisis
 13 stabilization unit under chapter 9A may also offer crisis services
 14 to an individual who is not a person requiring treatment, but who
 15 is seeking crisis services on a voluntary basis.

16 (9) ~~(7)~~—If the individual chooses a hospital not under
 17 contract with a community mental health services program, and the
 18 hospital agrees to the admission, the preadmission screening unit
 19 shall refer the individual to the hospital that is requested by the
 20 individual. Any financial obligation for the services provided by
 21 the hospital shall be satisfied from funding sources other than the
 22 community mental health services program, the department, or other
 23 state or county funding.

24 Sec. 439. (1) A cause of action ~~shall~~**is** not ~~be~~ cognizable ~~in~~
 25 ~~a court of this state~~ against a person who in good faith files a
 26 petition under this chapter alleging that an individual is a person
 27 requiring treatment, unless the petition is filed as the result of
 28 an act or omission amounting to gross negligence or willful and
 29 wanton misconduct.



1 (2) A cause of action is not cognizable against a preadmission
2 screening unit or its employees or contractors or a crisis
3 stabilization unit or its employees or contractors, who in good
4 faith makes a determination as to whether an individual is a person
5 requiring treatment or not, unless the determination is the result
6 of an act or omission amounting to gross negligence or willful and
7 wanton misconduct.

8 Chapter 9A

9 CRISIS STABILIZATION UNITS

10 Sec. 971. (1) The department shall provide for certification
11 of crisis stabilization units under this chapter to provide crisis
12 services in a community-based setting. An individual receiving
13 services in a crisis stabilization unit is a recipient of mental
14 health services under chapter 7 and is afforded all rights afforded
15 to a recipient of mental health services.

16 (2) Crisis services include clinical services as a short-term
17 alternative to inpatient psychiatric hospitalization provided by a
18 mental health professional under the supervision of a psychiatrist
19 in the least restrictive environment as determined by the mental
20 health professional. The primary objective of crisis services is
21 prompt assessment, stabilization, and determination of the
22 appropriate level of care. The main desired outcome of crisis
23 services is to avoid unnecessary hospitalization for an individual
24 whose crisis may resolve with time, observation, and treatment.

25 (3) A psychiatric hospital or general hospital may establish
26 and operate a crisis stabilization unit under this chapter. As used
27 in this subsection, "general hospital" means hospital as that term
28 is defined in section 20106 of the public health code, 1978 PA 368,
29 MCL 333.20106.



1 Sec. 972. The department shall establish minimum standards and
2 requirements for certifying a crisis stabilization unit. Standards
3 and requirements include, but are not limited to, the following:

4 (a) A standard requiring the capacity to carry out emergency
5 receiving and evaluating functions but not to the extent that
6 brings the crisis stabilization unit under the provisions of
7 section 1867 of the social security act, 42 USC 1395dd.

8 (b) Standards requiring implementation of voluntary and
9 involuntary admission consistent with section 409.

10 (c) A prohibition from holding itself out as a hospital or
11 from billing for hospital or inpatient services.

12 (d) Standards to prevent inappropriate referral between
13 entities of common ownership.

14 (e) Standards regarding maximum length of stay at a crisis
15 stabilization unit with discharge planning upon intake to a
16 clinically appropriate level of care consistent with section
17 409(7).

18 (f) Standards of billing for services rendered at a crisis
19 stabilization unit.

20 (g) Standards for reimbursement of services for uninsured
21 individuals, underinsured individuals, or both, and Medicaid
22 beneficiaries, including, but not limited to, formal agreements
23 with community mental health services programs or regional entities
24 for services provided to individuals utilizing public behavioral
25 health funds, outreach and enrollment for eligible health coverage,
26 annual rate setting, proper communication with payers, and methods
27 for resolving billing disputes between providers and payers.

28 (h) Physician oversight requirements.

29 (i) Nursing services.



1 (j) Staff to client ratios.

2 (k) Standards requiring a minimum amount of psychiatric
3 supervision of an individual receiving services in the crisis
4 stabilization unit that are consistent with the supervision
5 requirements applicable in a psychiatric hospital or psychiatric
6 unit setting.

7 (l) Standards requiring implementation and posting of
8 recipients' rights under chapter 7.

9 (m) Safety and emergency protocols.

10 (n) Pharmacy services.

11 (o) Standards addressing administration of medication.

12 (p) Standards for reporting to the department.

13 (q) Standards regarding a departmental complain process and
14 procedure affording patients the right to file complaints for
15 failure to provide services in accordance with required
16 certification standards. The complaint process and procedure must
17 be established and maintained by the department, must remain
18 separate and distinct from providers delivering services under this
19 chapter, and must not be a function delegated to a community mental
20 health services program or an entity under contract with a
21 community mental health services program. The complaint process
22 must provide for a system of appeals and administrative finality.

23 Sec. 973. Unless licensed under part 62 of the public health
24 code, 1978 PA 368, MCL 333.6230 to 333.6251, a crisis stabilization
25 unit that is not also a preadmission screening unit shall not
26 provide substance use disorder services described in chapter 2A
27 under this certification without first obtaining the required
28 license. If substance use disorder prevention services or substance
29 use disorder treatment and rehabilitation services, or both, are



1 provided, the crisis stabilization unit must obtain a license as
2 required under section 6233 of the public health code, 1978 PA 368,
3 MCL 333.6233.

4 Sec. 974. (1) An entity must not operate as a crisis
5 stabilization unit without having a certification issued under this
6 chapter.

7 (2) An application for certification to operate a crisis
8 stabilization unit must be submitted to the department in the
9 manner prescribed by the department.

10 Sec. 975. (1) The department must issue a certification to an
11 applicant who meets all the standards and requirements set forth by
12 the department for certifying a crisis stabilization unit.

13 (2) A certification issued under this chapter is not
14 transferable to another crisis stabilization unit for the purpose
15 of facilitating a change in location or a change in the governing
16 body.

17 Sec. 976. Each certified crisis stabilization unit must allow
18 an authorized department representative to enter upon and inspect
19 all of the premises for which a certification has been granted or
20 applied for under this chapter.

21 Sec. 977. (1) The department may deny an application for
22 certification under this chapter that does not meet all the
23 standards and requirements set forth by the department for a crisis
24 stabilization unit. The department may suspend or revoke a
25 certification that has been issued under this chapter if an
26 applicant or a certified crisis stabilization unit violates a
27 provision of this chapter or a standard or requirement set forth by
28 the department under this chapter.

29 (2) Before an order is entered denying a certification



1 application or suspending or revoking a certification previously
2 granted, the applicant or party with a certification must have an
3 opportunity for a hearing. A hearing under this section is subject
4 to the provisions governing a contested case under the
5 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to
6 24.328.

7 Sec. 978. A crisis stabilization unit certified under this
8 chapter is exempt from the requirement of obtaining a certificate
9 of need.

10 Sec. 979. A crisis stabilization unit must obtain and maintain
11 accreditation from 1 of the following within 3 years after initial
12 certification or within 3 years after the effective date of the
13 amendatory act that added this chapter:

14 (a) Behavioral health care accreditation for crisis
15 stabilization from the Joint Commission on Accreditation of
16 Healthcare Organizations.

17 (b) Behavioral health accreditation for crisis stabilization
18 by the Commission on Accreditation of Rehabilitation Facilities,
19 CARF International.

20 (c) Accreditation from an organization with similar standards
21 as the organizations described in subdivisions (a) and (b) that is
22 approved by the director.

