

HOUSE BILL NO. 5832

June 04, 2020, Introduced by Reps. Whiteford, Brann and Kahle and referred to the Committee on Health Policy.

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 2014 PA 200, 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 chapter 9A.

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

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

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

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

28 (5) "Alcohol and drug abuse counseling" means the act of
29 counseling, modification of substance use disorder related



1 behavior, and prevention techniques for individuals with substance
2 use disorder, their significant others, and individuals who could
3 potentially develop a substance use disorder.

4 (6) "Applicant" means an individual or his or her legal
5 representative who makes a request for mental health services.

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

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



1 to treat the individual's mental illness and to assist the
2 individual in living and functioning in the community or to attempt
3 to prevent a relapse or deterioration that may reasonably be
4 predicted to result in suicide, the need for hospitalization, or
5 serious violent behavior. The medical review and direction included
6 in an assisted outpatient treatment plan shall be provided under
7 the supervision of a psychiatrist.

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

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

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

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

18 (13) "Child abuse" and "child neglect" mean those terms as
19 defined in section 2 of the child protection law, 1975 PA 238, MCL
20 722.622.

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

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

29 (b) A psychiatrist employed by or under contract as a child



1 and adolescent psychiatrist with the department or a community
2 mental health services program on March 28, 1996, who has education
3 and clinical experience in the evaluation and treatment of children
4 or adolescents with serious emotional disturbance.

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

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

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

17 (17) "Community mental health organization" means a community
18 mental health services program that is organized under the urban
19 cooperation act of 1967, 1967 (Ex Sess) PA 7, MCL 124.501 to
20 124.512.

21 (18) "Community mental health services program" means a
22 program operated under chapter 2 as a county community mental
23 health agency, a community mental health authority, or a community
24 mental health organization.

25 (19) "Consent" means a written agreement executed by a
26 recipient, a minor recipient's parent, a recipient's legal
27 representative with authority to execute a consent, or a full or
28 limited guardian authorized under the estates and protected
29 individuals code, 1998 PA 386, MCL 700.1101 to 700.8206, with the



1 authority to consent, or a verbal agreement of a recipient that is
2 witnessed and documented by an individual other than the individual
3 providing treatment.

4 (20) "County community mental health agency" means an official
5 county or multicounty agency created under section 210 that
6 operates as a community mental health services program and that has
7 not elected to become a community mental health authority or a
8 community mental health organization.

9 (21) **"Crisis stabilization unit" means a unit that provides**
10 **unscheduled activities that are provided in response to a crisis**
11 **situation as well as services either as a prescreening unit**
12 **established under section 409 or according to a certification**
13 **issued under chapter 9A, in any event a unit providing clinical**
14 **services designed to prevent or ameliorate a behavioral health**
15 **crisis or reduce acute symptoms on an immediate, intensive, and**
16 **time-limited basis.**

17 (22) ~~(21)~~"Department" means the department of health and
18 human services.

19 (23) ~~(22)~~"Department-designated community mental health
20 entity" means the community mental health authority, community
21 mental health organization, community mental health services
22 program, county community mental health agency, or community mental
23 health regional entity designated by the department to represent a
24 region of community mental health authorities, community mental
25 health organizations, community mental health services programs, or
26 county community mental health agencies.

27 (24) ~~(23)~~"Dependent living setting" means all of the
28 following:

29 (a) An adult foster care facility.



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

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

5 **(25)** ~~(24)~~—"Designated representative" means any of the
6 following:

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

10 (b) A paramedic licensed or otherwise authorized under part
11 209 of the public health code, 1978 PA 368, MCL 333.20901 to
12 333.20979.

13 (c) A physician's assistant licensed or otherwise authorized
14 under part 170 or 175 of the public health code, 1978 PA 368, MCL
15 333.17001 to ~~333.17084~~ **333.17097** and 333.17501 to 333.17556.

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

19 **(26)** ~~(25)~~—"Developmental disability" means either of the
20 following:

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

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

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

27 (iii) Is likely to continue indefinitely.

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



1 (A) Self-care.

2 (B) Receptive and expressive language.

3 (C) Learning.

4 (D) Mobility.

5 (E) Self-direction.

6 (F) Capacity for independent living.

7 (G) Economic self-sufficiency.

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

12 (b) If applied to a minor from birth to 5 years of age, a
13 substantial developmental delay or a specific congenital or
14 acquired condition with a high probability of resulting in
15 developmental disability as defined in subdivision (a) if services
16 are not provided.

17 (27) ~~(26)~~—"Director" means the director of the department or
18 his or her designee.

19 (28) ~~(27)~~—"Discharge" means an absolute, unconditional release
20 of an individual from a facility by action of the facility or a
21 court.

22 (29) ~~(28)~~—"Eligible minor" means an individual less than 18
23 years of age who is recommended in the written report of a
24 multidisciplinary team under rules promulgated by the department of
25 education to be classified as 1 of the following:

26 (a) Severely mentally impaired.

27 (b) Severely multiply impaired.

28 (c) Autistic impaired and receiving special education services
29 in a program designed for the autistic impaired under ~~subsection~~



1 ~~(1) of~~ R 340.1758 of the Michigan Administrative Code or in a
 2 program designed for the severely mentally impaired or severely
 3 multiply impaired.

4 **(30)** ~~(29)~~ "Emergency situation" means a situation in which an
 5 individual is experiencing a serious mental illness or a
 6 developmental disability, or a minor is experiencing a serious
 7 emotional disturbance, and 1 of the following applies:

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

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

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

19 **(31)** ~~(30)~~ "Executive director" means an individual appointed
 20 under section 226 to direct a community mental health services
 21 program or his or her designee.

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

29 (2) "Family" as used in sections 156 to 161 means an eligible



1 minor and his or her parent or legal guardian.

2 (3) "Family member" means a parent, stepparent, spouse,
3 sibling, child, or grandparent of a primary consumer, or an
4 individual upon whom a primary consumer is dependent for at least
5 50% of his or her financial support.

6 (4) "Federal funds" means funds received from the federal
7 government under a categorical grant or similar program and does
8 not include federal funds received under a revenue sharing
9 arrangement.

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

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

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

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

25 (7) "Hospital" or "psychiatric hospital" means an inpatient
26 program operated by the department for the treatment of individuals
27 with serious mental illness or serious emotional disturbance or a
28 psychiatric hospital or psychiatric unit licensed under section
29 137.



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

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

5 (10) "Incapacitated" means that an individual, as a result of
6 the use of alcohol or other drugs, is unconscious or has his or her
7 mental or physical functioning so impaired that he or she either
8 poses an immediate and substantial danger to his or her own health
9 and safety or is endangering the health and safety of the public.

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

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

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

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

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

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



1 (13) "Licensed facility" means a facility licensed by the
2 department under section 137 or an adult foster care facility.

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

6 (15) "Medical director" means a psychiatrist appointed under
7 section 231 to advise the executive director of a community mental
8 health services program.

9 (16) "Mental health professional" means an individual who is
10 trained and experienced in the area of mental illness or
11 developmental disabilities and who is 1 of the following:

12 (a) A physician.

13 (b) A psychologist.

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

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

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

24 (f) A marriage and family therapist licensed or otherwise
25 authorized to engage in the practice of marriage and family therapy
26 under part 169 of the public health code, 1978 PA 368, MCL
27 333.16901 to 333.16915.

28 (17) "Minor" means an individual under the age of 18 years.

29 (18) "Multicultural services" means specialized mental health



1 services for multicultural populations such as African-Americans,
 2 Hispanics, Native Americans, Asian and Pacific Islanders, and
 3 Arab/Chaldean-Americans.

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

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

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

25 (b) Case reviews of families who voluntarily terminate
 26 participation in the family support subsidy program for any reason,
 27 particularly ~~when~~**if** the eligible minor is placed out of the family
 28 home, including the involvement of the department and community
 29 mental health services programs in offering suitable alternatives.



1 (c) Sample assessments of families receiving family support
2 subsidy payments including adequacy of subsidy and need for
3 services not available.

4 (d) The efforts to encourage program participation of eligible
5 families.

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

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

11 (g) Problems that arise in identifying eligible minors through
12 diagnostic evaluations performed under rules promulgated by the
13 department of education.

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

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

20 Sec. 409. (1) Each community mental health services program
21 shall establish 1 or more preadmission screening units with 24-hour
22 availability to provide assessment and screening services for
23 individuals being considered for admission into hospitals, ~~or~~
24 assisted outpatient treatment programs, **or crisis services on a**
25 **voluntary basis**. The community mental health services program shall
26 employ mental health professionals or licensed bachelor's social
27 workers licensed under part 185 of the public health code, 1978 PA
28 368, MCL 333.18501 to 333.18518, to provide the preadmission
29 screening services or contract with another agency that meets the



1 requirements of this section. Preadmission screening unit staff
2 shall be supervised by a registered professional nurse or other
3 mental health professional possessing at least a master's degree.

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

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

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



1 and found not to be clinically suitable for hospitalization, the
2 preadmission screening unit shall provide appropriate referral
3 services.

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

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

19 (7) A preadmission screening unit may operate a crisis
20 stabilization unit under chapter 9A. A preadmission screening unit
21 may provide crisis services to an individual, who by assessment and
22 screening, is found to be a person requiring treatment. In this
23 event, crisis services may be provided for a period of up to 72
24 hours unless 1 of the following applies:

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

26 (b) A transfer to an inpatient bed is completed.

27 (c) The individual voluntarily agrees to continue receiving
28 services longer than 72 hours and the health professional in charge
29 believes it appropriate that the individual continue receiving



1 services.

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

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

8 (9) ~~(7)~~—If the individual chooses a hospital not under
9 contract with a community mental health services program, and the
10 hospital agrees to the admission, the preadmission screening unit
11 shall refer the individual to the hospital that is requested by the
12 individual. Any financial obligation for the services provided by
13 the hospital shall be satisfied from funding sources other than the
14 community mental health services program, the department, or other
15 state or county funding.

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

22 (2) A cause of action is not cognizable against a preadmission
23 screening unit or its employees or contractors or a crisis
24 stabilization unit or its employees or contractors, who in good
25 faith makes a determination as to whether an individual is a person
26 requiring treatment or not, unless the determination is the result
27 of an act or omission amounting to gross negligence or willful and
28 wanton misconduct.

29 Chapter 9A



CRISIS STABILIZATION UNITS

1
2 Sec. 971. (1) The department shall provide for certification
3 of crisis stabilization units under this chapter to provide crisis
4 services in a community-based setting. An individual receiving
5 services in a crisis stabilization unit is a recipient of mental
6 health services under chapter 7 and is afforded all rights afforded
7 to a recipient of mental health services.

8 (2) Crisis services include clinical services as a short-term
9 alternative to inpatient psychiatric hospitalization provided by a
10 mental health professional under the supervision of a psychiatrist
11 in the least restrictive environment as determined by the mental
12 health professional. The primary objective of crisis services is
13 prompt assessment, stabilization, and determination of the
14 appropriate level of care. The main desired outcome of crisis
15 services is to avoid unnecessary hospitalization for an individual
16 whose crisis may resolve with time, observation, and treatment.

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

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

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

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

28 (d) Standards regarding maximum length of stay at a crisis
29 stabilization unit.



1 (e) Standards of billing for services rendered at a crisis
2 stabilization unit.

3 (f) Physician oversight requirements.

4 (g) Nursing services.

5 (h) Staff to client ratios.

6 (i) Standards requiring implementation and posting of
7 recipients' rights under chapter 7.

8 (j) Safety and emergency protocols.

9 (k) Pharmacy services.

10 (l) Standards addressing administration of medication.

11 (m) Standards for reporting to the department.

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

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



1 required under section 6233 of the public health code, 1978 PA 368,
2 MCL 333.6233.

3 Sec. 974. (1) An entity must not operate as a crisis
4 stabilization unit without having a certification issued under this
5 chapter. A crisis stabilization unit operated by a preadmission
6 screening unit under section 409 is exempt from obtaining and
7 maintaining certification under this chapter but must comply with
8 all standards, policies, procedures, and guidelines set forth by
9 the department that are applicable to crisis stabilization units. A
10 preadmission screening unit operating a crisis stabilization unit
11 is also exempt from obtaining a license under section 6233 of the
12 public health code, 1978 PA 368, MCL 333.6233.

13 (2) An application for certification to operate a crisis
14 stabilization unit must be submitted to the department in the
15 manner prescribed by the department.

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

19 (2) A certification issued under this chapter is not
20 transferable to another crisis stabilization unit for the purpose
21 of facilitating a change in location or a change in the governing
22 body.

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

27 Sec. 977. (1) The department may deny an application for
28 certification under this chapter that does not meet all the
29 standards and requirements set forth by the department for a crisis



1 stabilization unit. The department may suspend or revoke a
2 certification that has been issued under this chapter if an
3 applicant or a certified crisis stabilization unit violates a
4 provision of this chapter or a standard or requirement set forth by
5 the department under this chapter.

6 (2) Before an order is entered denying a certification
7 application or suspending or revoking a certification previously
8 granted, the applicant or party with a certification must have an
9 opportunity for a hearing. A hearing under this section is subject
10 to the provisions governing a contested case under the
11 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to
12 24.328.

13 Sec. 978. A crisis stabilization unit certified under this
14 chapter is exempt from the requirement of obtaining a certificate
15 of need.

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

20 (a) Behavioral health care accreditation for crisis
21 stabilization from the Joint Commission on Accreditation of
22 Healthcare Organizations.

23 (b) Behavioral health accreditation for crisis stabilization
24 by the Commission on Accreditation of Rehabilitation Facilities,
25 CARF International.

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

