



Senate Fiscal Agency
P.O. Box 30036
Lansing, Michigan 48909-7536



Telephone: (517) 373-5383
Fax: (517) 373-1986

Senate Bill 918 (as introduced 6-12-24)

Sponsor: Senator Paul Wojno

Committee: Health Policy

Date Completed: 10-8-24

CONTENT

The bill would amend the Mental Health Code to allow a hospital director, agency, mental health professional, or individual to file a petition for a second or continuing order of involuntary mental health treatment at least 14 days before the expiration of a current order of assisted outpatient treatment if the individual receiving treatment were likely to refuse voluntary treatment and needed continued treatment.

Under the Code, upon filing a petition and a finding that an individual is a person requiring treatment, the court must issue an initial order of involuntary mental health treatment with an order of hospitalization of no more than 60 days, an order of assisted outpatient treatment of no more than 180 days, or a combination of those treatments not exceeding 180 days.

If a hospital director, agency, or mental health professional supervising an individual's assisted outpatient treatment believes that individual continues to be an individual needing treatment and is likely to refuse treatment on a voluntary basis when the order expires the director, agency, or professional must file a petition at least 14 days before expiration of the current order for a second or continuing order of involuntary mental health treatment. The petition must contain the reasons for that determination, a statement describing the treatment that was provided, the results of that treatment, and a clinical estimate of the time further treatment will be required.

The petition must be accompanied by a clinical certificate executed by a psychiatrist. The bill would modify this provision to specify that the petition would have to be accompanied by a clinical certificate executed by a mental health professional.

Under the bill, if a hospital director, agency, mental health professional supervising an individual's treatment, or individual over the age of 18 believed that individual under an initial, second, or continuing order of assisted outpatient treatment continued to be an individual needing treatment and was likely to refuse treatment on a voluntary basis when a current order expired that director, agency, professional, or individual could file a petition for secondary or continuing involuntary mental health treatment at least 14 days before expiration of the current order.¹ The petition would have to contain the reasons for that determination, a statement describing the treatment that was provided, the results of that treatment, and a clinical estimate of the time further treatment would be required. The

¹ "Assisted outpatient treatment" means the categories of outpatient services ordered by a court under the Code. Assisted outpatient treatment may include, among other things, case management services to provide care coordination or a case management plan or certain services to assist in mental health treatment.

petition would have to be accompanied by a clinical certificate executed by a mental health professional.²

(A "person requiring treatment" means, among other things, an individual who has mental illness, and who because of that mental illness can reasonably be expected within the near future to intentionally or unintentionally seriously physically injure himself, herself, or another individual, and who has engaged in an act or acts or made significant threats that are substantially supportive of the expectation. The term also means an individual who has mental illness, and who as a result of that mental illness is unable to attend to those of his or her basic physical needs such as food, clothing, or shelter that must be attended to in order for the individual to avoid serious harm in the near future, and who has demonstrated that inability by failing to attend to those basic physical needs. Additionally, the term includes an individual who has mental illness, whose judgment is so impaired by that mental illness, and whose lack of understanding of the need for treatment has caused him or her to demonstrate an unwillingness to voluntarily participate in or adhere to treatment that is necessary, on the basis of competent clinical opinion, to prevent a relapse or harmful deterioration of his or her condition, and presents a substantial risk of significant physical or mental harm to the individual or others.)

MCL 330.1473

Legislative Analyst: Alex Krabill

FISCAL IMPACT

The bill would likely have no fiscal impact on the Department of Health and Human Services (DHHS) and local units of government. The bill would allow "an individual 18 years of age or older to file a petition for a second or continuing order of involuntary mental health treatment" not less than 14 days before the expiration of an initial, second, or continuing order of assisted outpatient treatment. Under MCL 330.1434, an individual 18 years of age or older is allowed to file an initial petition with a court asserting that an individual is a person requiring treatment, meaning that the bill would remove the need for an individual 18 years of age or older to wait for the expiration of a current petition before having the ability to file a new petition with a court. This change in timing would be unlikely to create an expansion of the population receiving services and would, therefore, not result in an increase in costs.

Fiscal Analyst: Ellyn Ackerman

² Senate Bill 915 would prescribe the duration of a second or continuing order of hospitalization, assisted outpatient treatment, or combined treatment.

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