

SUBSTITUTE FOR
SENATE BILL NO. 917

A bill to amend 1974 PA 258, entitled
"Mental health code,"
by amending sections 206a and 429 (MCL 330.1206a and 330.1429),
section 206a as added by 2020 PA 55 and section 429 as amended by
2022 PA 214.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 206a. (1) A recipient or ~~his or her~~ **the recipient's**
2 individual representative **or an individual permitted to file a**
3 **petition for treatment under section 434** must be offered an
4 opportunity to request mediation to resolve a dispute between the
5 recipient, ~~or his or her~~ **the recipient's** individual representative,
6 **or the individual permitted to file a petition for treatment under**
7 **section 434** and the community mental health services program or

1 other service provider under contract with the community mental
2 health services program related to planning and providing services
3 or supports to the recipient.

4 (2) The community mental health services program or service
5 provider shall provide notice to a recipient, ~~or his or her~~ **the**
6 **recipient's** individual representative, **or the individual permitted**
7 **to file a petition for treatment under section 434** of the right to
8 request and access mediation at the time services or supports are
9 initiated and at least annually after that. When the community
10 mental health services program's or service provider's local
11 dispute resolution process, local appeals process, or state
12 Medicaid fair hearing is requested, notification of the right to
13 request mediation must also be provided to the recipient, ~~or his or~~
14 ~~her~~ **the recipient's** individual representative, **or the individual**
15 **permitted to file a petition for treatment under section 434.**

16 (3) The department must provide funding and directly contract
17 with 1 or more mediation organizations experienced in coordinating
18 statewide case intake and mediation service delivery through local
19 community dispute resolution centers.

20 (4) A mediator must be an individual trained in effective
21 mediation technique and mediator standard of conduct. A mediator
22 must be knowledgeable in the laws, regulations, and administrative
23 practices relating to providing behavioral health services and
24 supports. The mediator must not be involved in any manner with the
25 dispute or with providing services or supports to the recipient.

26 (5) The community mental health services program or service
27 provider described in subsection (2) involved in the dispute must
28 participate in mediation if mediation is requested.

29 (6) A request for mediation must be recorded by a mediation

1 organization, and mediation must begin within 10 business days
 2 after the recording. Mediation does not prevent a recipient, ~~or his~~
 3 ~~or her~~ **the recipient's** individual representative, **or the individual**
 4 **permitted to file a petition for treatment under section 434** from
 5 using another available dispute resolution option, including, but
 6 not limited to, the community mental health services program's
 7 local dispute resolution process, the local appeals process, the
 8 state Medicaid fair hearing, or filing a recipient rights
 9 complaint. A mediation organization shall ascertain if an
 10 alternative dispute resolution process is currently ongoing and
 11 notify the process administrator of the request for mediation. The
 12 parties may agree to voluntarily suspend other dispute resolution
 13 processes, unless prohibited by law or precluded by a report of an
 14 apparent or suspected violation of rights delineated in chapter 7.

15 (7) Mediation must be completed within 30 days after the date
 16 the mediation was recorded unless the parties agree in writing to
 17 extend the mediation period for up to an additional 30 days. The
 18 mediation process must not exceed 60 days.

19 (8) If the dispute is resolved through the mediation process,
 20 the mediator shall prepare a legally binding document that includes
 21 the terms of the agreement. The document must be signed by the
 22 recipient, ~~or the recipient's~~ individual representative, **or the**
 23 **individual permitted to file a petition for treatment under section**
 24 **434** and a party with the authority to bind the service provider
 25 according to the terms of the agreement. The mediator must provide
 26 a copy of the signed document to all parties within 10 business
 27 days after the end of the mediation process. The signed document is
 28 enforceable in any court of competent jurisdiction in this state.

29 (9) If the dispute is not resolved through the mediation

1 process, the mediator must prepare a document that indicates the
2 dispute could not be resolved. The mediator shall provide a copy of
3 the document to all parties within 10 business days after the end
4 of the mediation process.

5 (10) A contracted mediation organization must provide a report
6 with aggregate data and a summary of outcomes to the department
7 every 6 months, or as the department considers appropriate, to
8 review and evaluate the effectiveness and efficiency of mediation
9 in resolving disputes relating to planning and providing services
10 and supports by the community mental health services program and
11 its service providers.

12 (11) As used in this section, "recording" means a file that
13 has been created after a request for mediation has been made by a
14 recipient, ~~or his or her~~ **the recipient's** individual representative,
15 **or an individual permitted to file a petition for treatment under**
16 **section 434** or received by a community mental health services
17 program or other service provider under contract with the community
18 mental health services program.

19 Sec. 429. (1) A hospital designated under section 422 shall
20 receive and detain an individual presented for examination under
21 section 426, 427, **434**, 435, 436, or 438, for not more than 24
22 hours. During that time the individual must be examined by a
23 physician or a licensed psychologist unless a clinical certificate
24 has already been presented to the hospital. If the examining
25 physician or psychologist does not certify that the individual is a
26 ~~person~~ **an individual** requiring treatment, the individual ~~shall~~ **must**
27 be released immediately. If the examining physician or psychologist
28 executes a clinical certificate, the individual may be hospitalized
29 under section 423.

1 (2) If a preadmission screening unit provides an examination
2 under section 409, 410, or 427, the **preadmission screening unit**
3 **shall conduct the** examination ~~shall be conducted~~ as soon as
4 possible after the individual arrives at the preadmission screening
5 site, and the examination must be completed within 2 hours, unless
6 there are documented medical reasons why the examination cannot be
7 completed within that time frame or other arrangements are agreed
8 upon by the peace officer or security transport officer and the
9 preadmission screening unit.