

# SENATE BILL NO. 917

June 12, 2024, Introduced by Senators IRWIN, HERTEL, SANTANA and WOJNO and referred to the Committee on Health Policy.

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 described under section**  
3 **434** must be offered an opportunity to request mediation to resolve

1 a dispute between the recipient, ~~or his or her~~ **the recipient's**  
2 individual representative, **or the individual described under**  
3 **section 434** and the community mental health services program or  
4 other service provider under contract with the community mental  
5 health services program related to planning and providing services  
6 or supports to the recipient.

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

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

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

28 (5) The community mental health services program or service  
29 provider described in subsection (2) involved in the dispute must

1 participate in mediation if mediation is requested.

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

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

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

1 court of competent jurisdiction in this state.

2 (9) If the dispute is not resolved through the mediation  
3 process, the mediator must prepare a document that indicates the  
4 dispute could not be resolved. The mediator shall provide a copy of  
5 the document to all parties within 10 business days after the end  
6 of the mediation process.

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

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

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

1 under section 423.

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