

SENATE BILL No. 684

September 16, 2003, Introduced by Senators PATTERSON, BERNERO, GEORGE, CROPSEY, BRATER, McMANUS, GOSCHKA, SCHAUER, BIRKHOLZ and THOMAS and referred to the Committee on Health Policy.

A bill to amend 1974 PA 258, entitled "Mental health code," by amending section 469a (MCL 330.1469a), as added by 1996 PA 588, and by adding section 433.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 433. (1) Any individual 18 years of age or over may
2 file a petition with the court that asserts that an individual
3 meets the criteria for assisted outpatient treatment specified in
4 section 401(d). The petition shall contain the facts that are
5 the basis for the assertion, the names and addresses, if known,
6 of any witnesses to the facts, and the name and address of the
7 nearest relative or guardian, if known, or, if none, a friend, if
8 known, of the individual who is the subject of the petition.

9 (2) Upon receipt of a petition, the court shall inform the
10 subject of the petition and the community mental health services

1 program serving the community in which the subject of the
2 petition resides that the court is undertaking an investigation
3 to determine whether the subject of the petition meets the
4 criteria for assisted outpatient treatment.

5 (3) If the court's investigation verifies that the subject of
6 the petition meets the criteria for assisted outpatient treatment
7 and he or she is not scheduled to begin a course of outpatient
8 mental health treatment that includes case management services or
9 assertive community treatment team services, the court shall
10 order the subject of the petition to receive assisted outpatient
11 treatment through his or her local community mental health
12 services program. The order shall include case management
13 services or assertive community treatment team services. The
14 order may include 1 or more of the following:

15 (a) Medication.

16 (b) Blood or urinalysis tests to determine compliance with
17 prescribed medications.

18 (c) Individual or group therapy.

19 (d) Day or partial day programs.

20 (e) Educational and vocational training.

21 (f) Supervised living.

22 (g) Alcohol or substance abuse treatment, or both.

23 (h) Alcohol or substance abuse testing, or both, for
24 individuals with a history of alcohol or substance abuse and for
25 whom that testing is necessary to prevent a deterioration of
26 their condition. A court order for alcohol or substance abuse
27 testing shall be subject to review every 6 months.

1 (i) Any other services prescribed to treat the individual's
2 mental illness and to either assist the individual in living and
3 functioning in the community or to help prevent a relapse or
4 deterioration that may reasonably be predicted to result in
5 suicide or the need for hospitalization.

6 (4) In developing an order under this section, the court
7 shall consider any preferences and medication experiences
8 reported by the subject of the petition or his or her designated
9 representative and any directions included in a durable power of
10 attorney or advance directive that exists. If the subject of the
11 petition has not previously executed a durable power of attorney
12 or an advance directive, the responsible community mental health
13 services program shall, before the expiration of the assisted
14 outpatient treatment order, ascertain whether the subject of the
15 petition desires to establish an advance directive. If so, the
16 community mental health services program shall offer to provide
17 assistance in developing an advance directive.

18 Sec. 469a. (1) Before ordering a course of treatment for an
19 individual found to be a person requiring treatment, the court
20 shall review a report on alternatives to hospitalization that was
21 prepared under section 453a not more than 15 days before the
22 court issues the order. After reviewing the report, the court
23 shall do all of the following:

24 (a) Determine whether a treatment program that is an
25 alternative to hospitalization or that follows an initial period
26 of hospitalization is adequate to meet the individual's treatment
27 needs and is sufficient to prevent harm that the individual may

1 inflict upon himself or herself or upon others within the near
2 future.

3 (b) Determine whether there is an agency or mental health
4 professional available to supervise the individual's alternative
5 treatment program.

6 (c) Inquire as to the individual's desires regarding
7 alternatives to hospitalization.

8 (2) If the court determines that there is a treatment program
9 that is an alternative to hospitalization that is adequate to
10 meet the individual's treatment needs and prevent harm that the
11 individual may inflict upon himself or herself or upon others
12 within the near future and that an agency or mental health
13 professional is available to supervise the program, the court
14 shall issue an order for alternative treatment or combined
15 hospitalization and alternative treatment in accordance with
16 section 472a. The order shall state the community mental health
17 services program or, if private arrangements have been made for
18 the reimbursement of mental health treatment services in an
19 alternative setting, the name of the mental health agency or
20 professional that is directed to supervise the individual's
21 alternative treatment program. The order may provide that if an
22 individual refuses to comply with a psychiatrist's order to
23 return to the hospital, a peace officer shall take the individual
24 into protective custody and transport the individual to the
25 hospital selected.

26 **(3) If the court orders assisted outpatient treatment as the**
27 **alternative to hospitalization, the order shall include case**

1 management services or assertive community treatment team
2 services. The order for assisted outpatient treatment may
3 include 1 or more of the following:

4 (a) Medication.

5 (b) Blood or urinalysis tests to determine compliance with
6 prescribed medications.

7 (c) Individual or group therapy.

8 (d) Day or partial day programs.

9 (e) Educational and vocational training.

10 (f) Supervised living.

11 (g) Alcohol or substance abuse treatment, or both.

12 (h) Alcohol or substance abuse testing, or both, for
13 individuals with a history of alcohol or substance abuse and for
14 whom that testing is necessary to prevent a deterioration of
15 their condition. A court order for alcohol or substance abuse
16 testing shall be subject to review every 6 months.

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18 mental illness and to either assist the individual in living and
19 functioning in the community or to help prevent a relapse or
20 deterioration that may reasonably be predicted to result in
21 suicide or the need for hospitalization.

22 (4) In developing an order under this section, the court
23 shall consider any preferences and medication experiences
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4 petition desires to establish an advance directive. If so, the
5 community mental health services program shall offer to provide
6 assistance in developing an advance directive.

7 Enacting section 1. This amendatory act does not take
8 effect unless all of the following bills of the 92nd Legislature
9 are enacted into law:

10 (a) Senate Bill No. 683.

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12 (b) Senate Bill No. 685.

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14 (c) Senate Bill No. 686.

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