

MICHIGAN COMMUNITY CORRECTIONS CONFERENCE
OCTOBER 12, 2009

**FROM MICHIGAN'S MENTAL HEALTH CODE, ACT 258 OF 1974; CHAPTER 2 – COUNTY
COMMUNITY MENTAL HEALTH PROGRAMS:**

I. Jail Diversion

330.1207 Diversion from jail incarceration.

Sec. 207.

Each community mental health services program shall provide services designed to divert persons with serious mental illness, serious emotional disturbance, or developmental disability from possible jail incarceration when appropriate. These services shall be consistent with policy established by the department.

History: Add. 1995, Act 290, Eff. Mar. 28, 1996

II. Attorney General's Opinion on Jail Mental Health Services

- Responsibility for payment rests with the County.
- Michigan Department of Community Health's interpretation of AG Opinion:
 - CMHSPs can not spend their General Funds (GF) on jail mental health services
 - CMHSPs have until 9/30/10 to negotiate appropriate service contracts as necessary

III. Prioritizing Service Delivery

330.1208 Individuals to which service directed; priorities; denial of service prohibited.

Sec. 208.

- 1) Services provided by a community mental health services program shall be directed to individuals who have a serious mental illness, serious emotional disturbance, or developmental disability.
- 2) Services may be directed to individuals who have other mental disorders that meet criteria specified in the most recent diagnostic and statistical manual of mental health disorders published by the American psychiatric association and may also be directed to the prevention of mental disability and the promotion of mental health. Resources that have been specifically designated to community mental health services programs for services to individuals with dementia, alcoholism, or substance abuse or for the prevention of mental disability and the promotion of mental health shall be utilized for those specific purposes.
- 3) Priority shall be given to the provision of services to individuals with the most severe forms of serious mental illness, serious emotional disturbance, and developmental disability. Priority shall also be given to the provision of services to individuals with a serious mental illness, serious emotional disturbance, or developmental disability in urgent or emergency situations.

An individual shall not be denied a service because an individual who is financially liable is unable to pay for the service.

History: 1974, Act 258, Eff. Aug. 6, 1975 ;-- Am. 1978, Act 166, Imd. Eff. May 26, 1978 ;-- Am. 1995, Act 290, Eff. Mar. 28, 1996

II. Waiting Lists

330.1124 Waiting lists for admissions.

Sec. 124.

- 1) The department shall establish waiting lists for admissions to state operated programs. Waiting lists shall be by diagnostic groups or program categories, age, and gender, and shall specify the length of time each individual has been on the waiting list from the date of the initial request for services.
- 2) The department shall require that community mental health services programs maintain waiting lists if all service needs are not met, and that the waiting lists include data by type of services, diagnostic groups or program categories, age, and gender, and that they specify the length of time each individual has been on the waiting list from the date of the initial request for services. The order of priority on the waiting lists shall be based on severity and urgency of need. Individuals determined to be of equal severity and urgency of need shall be served in the order in which they applied for services.

History: 1974, Act 258, Eff. Aug. 6, 1975 ;-- Am. 1995, Act 290, Eff. Mar. 28, 1996