

MENTAL HEALTH CODE (EXCERPT)
Act 258 of 1974

CHAPTER 9A
CRISIS STABILIZATION UNITS

***** 330.1971.added THIS ADDED SECTION IS EFFECTIVE MARCH 24, 2021 *****

330.1971 Certification of crisis stabilization units.

Sec. 971. (1) The department shall provide for certification of crisis stabilization units under this chapter to provide crisis services in a community-based setting. An individual receiving services in a crisis stabilization unit is a recipient of mental health services under chapter 7 and is afforded all rights afforded to a recipient of mental health services.

(2) Crisis services include clinical services as a short-term alternative to inpatient psychiatric hospitalization provided by a mental health professional under the supervision of a psychiatrist in the least restrictive environment as determined by the mental health professional. The primary objective of crisis services is prompt assessment, stabilization, and determination of the appropriate level of care. The main desired outcome of crisis services is to avoid unnecessary hospitalization for an individual whose crisis may resolve with time, observation, and treatment.

(3) A psychiatric hospital or general hospital may establish and operate a crisis stabilization unit under this chapter. As used in this subsection, "general hospital" means hospital as that term is defined in section 20106 of the public health code, 1978 PA 368, MCL 333.20106.

History: Add. 2020, Act 402, Eff. Mar. 24, 2021.

330.1972 Minimum standards and requirements for certification.

Sec. 972. The department shall establish minimum standards and requirements for certifying a crisis stabilization unit. Standards and requirements include, but are not limited to, the following:

(a) A standard requiring the capacity to carry out emergency receiving and evaluating functions but not to the extent that brings the crisis stabilization unit under the provisions of section 1867 of the social security act, 42 USC 1395dd.

(b) Standards requiring implementation of voluntary and involuntary admission consistent with section 409.

(c) A prohibition from holding itself out as a hospital or from billing for hospital or inpatient services.

(d) Standards to prevent inappropriate referral between entities of common ownership.

(e) Standards regarding maximum length of stay at a crisis stabilization unit with discharge planning upon intake to a clinically appropriate level of care consistent with section 409(7).

(f) Standards of billing for services rendered at a crisis stabilization unit.

(g) Standards for reimbursement of services for uninsured individuals, underinsured individuals, or both, and Medicaid beneficiaries, including, but not limited to, formal agreements with community mental health services programs or regional entities for services provided to individuals utilizing public behavioral health funds, outreach and enrollment for eligible health coverage, annual rate setting, proper communication with payers, and methods for resolving billing disputes between providers and payers.

(h) Physician oversight requirements.

(i) Nursing services.

(j) Staff to client ratios.

(k) Standards requiring a minimum amount of psychiatric supervision of an individual receiving services in the crisis stabilization unit that are consistent with the supervision requirements applicable in a psychiatric hospital or psychiatric unit setting.

(l) Standards requiring implementation and posting of recipients' rights under chapter 7.

(m) Safety and emergency protocols.

(n) Pharmacy services.

(o) Standards addressing administration of medication.

(p) Standards for reporting to the department.

(q) Standards regarding a departmental complaint process and procedure affording patients the right to file complaints for failure to provide services in accordance with required certification standards. The complaint process and procedure must be established and maintained by the department, must remain separate and distinct from providers delivering services under this chapter, and must not be a function delegated to a

community mental health services program or an entity under contract with a community mental health services program. The complaint process must provide for a system of appeals and administrative finality.

History: Add. 2020, Act 402, Eff. Mar. 24, 2021.

330.1973 Provision of substance use disorder services; license required.

Sec. 973. Unless licensed under part 62 of the public health code, 1978 PA 368, MCL 333.6230 to 333.6251, a crisis stabilization unit that is not also a preadmission screening unit shall not provide substance use disorder services described in chapter 2A under this certification without first obtaining the required license. If substance use disorder prevention services or substance use disorder treatment and rehabilitation services, or both, are provided, the crisis stabilization unit must obtain a license as required under section 6233 of the public health code, 1978 PA 368, MCL 333.6233.

History: Add. 2020, Act 402, Eff. Mar. 24, 2021.

330.1974 Operation of crisis stabilization unit; application and license required.

Sec. 974. (1) An entity must not operate as a crisis stabilization unit without having a certification issued under this chapter.

(2) An application for certification to operate a crisis stabilization unit must be submitted to the department in the manner prescribed by the department.

History: Add. 2020, Act 402, Eff. Mar. 24, 2021.

330.1975 Issuance of certification; nontransferable.

Sec. 975. (1) The department must issue a certification to an applicant who meets all the standards and requirements set forth by the department for certifying a crisis stabilization unit.

(2) A certification issued under this chapter is not transferable to another crisis stabilization unit for the purpose of facilitating a change in location or a change in the governing body.

History: Add. 2020, Act 402, Eff. Mar. 24, 2021.

330.1976 Inspection of premises.

Sec. 976. Each certified crisis stabilization unit must allow an authorized department representative to enter upon and inspect all of the premises for which a certification has been granted or applied for under this chapter.

History: Add. 2020, Act 402, Eff. Mar. 24, 2021.

330.1977 Denial, suspension, or revocation of certification; hearing required.

Sec. 977. (1) The department may deny an application for certification under this chapter that does not meet all the standards and requirements set forth by the department for a crisis stabilization unit. The department may suspend or revoke a certification that has been issued under this chapter if an applicant or a certified crisis stabilization unit violates a provision of this chapter or a standard or requirement set forth by the department under this chapter.

(2) Before an order is entered denying a certification application or suspending or revoking a certification previously granted, the applicant or party with a certification must have an opportunity for a hearing. A hearing under this section is subject to the provisions governing a contested case under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

History: Add. 2020, Act 402, Eff. Mar. 24, 2021.

330.1978 Certificate of need exemption.

Sec. 978. A crisis stabilization unit certified under this chapter is exempt from the requirement of obtaining a certificate of need.

History: Add. 2020, Act 402, Eff. Mar. 24, 2021.

330.1979 Accreditation requirements.

Sec. 979. A crisis stabilization unit must obtain and maintain accreditation from 1 of the following within 3 years after initial certification or within 3 years after the effective date of the amendatory act that added this chapter:

(a) Behavioral health care accreditation for crisis stabilization from the Joint Commission on Accreditation of Healthcare Organizations.

(b) Behavioral health accreditation for crisis stabilization by the Commission on Accreditation of Rehabilitation Facilities, CARF International.

(c) Accreditation from an organization with similar standards as the organizations described in subdivisions (a) and (b) that is approved by the director.

History: Add. 2020, Act 402, Eff. Mar. 24, 2021.