

DEPARTMENT OF COMMUNITY HEALTH
MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES

(By authority conferred on the department of mental health by sections 1 to 4 of Act No. 80 of the Public Acts of 1905, as amended, section 33 of Act No. 306 of the Public Acts of 1969, as amended, and sections 114, 130, 136, 157, 206, 244, 498n, 498r, 842, 844, 908, and 1002a of Act No. 258 of the Public Acts of 1974, as amended, being sections 19.141 to 19.144, 24.233, 330.1114, 330.1130, 330.1136, 330.1206, 330.1244, 330.1498n, 330.1498r, 330.1842, 330.1844, 330.1908, and 330.2002a of the Michigan Compiled Laws)

PART 4A. CIVIL ADMISSION AND DISCHARGE PROCEDURES FOR MINORS

SUBPART 1. GENERAL PROVISIONS

R 330.4501 Definitions.

Rule 4501. As used in this part:

- (a) "County program" means a county community mental health program.
- (b) "Hospital operated by or under contract with the department or a community mental health board" means a hospital that is directly operated by, or that is under contract to, the department or a community mental health board servicing a minor.

History: 1990 AACCS.

SUBPART 2. ADMISSIONS

R 330.4603 Request for admission.

Rule 4603. (1) A parent who has joint custody of a minor and who does not have a limitation on the right to medical decision-making may apply for admission for the minor. When each parent resides in a separate county, has authority to consent to treatment, and requests admission, the parents shall be requested to name the county of residence for the minor, and the parent residing in the named county shall be requested to sign the application.

(2) A person who requests hospitalization for a minor under the specific authority of a power of attorney for consent to medical treatment given to the person by the parent of the minor shall be considered to have the same authority as the parent of the minor. The power of attorney shall expire at the end of 6 months. Before the 6-month expiration, the hospital will inform the person of the need to renew the power of attorney or the powers shall automatically revert back to the parent.

(3) If the juvenile court has assigned itself as temporary guardian of a minor, then the minor is a temporary ward of the court and the court is responsible for the care and supervision of the minor. If the court requests hospitalization of a minor who is its temporary ward, the court shall execute an order that specifies that the court worker, as designee of the court, has the authority to request hospitalization, authorize treatment and releases of information, and, when necessary, consent to the use of psychotropic medication. The name of the court worker shall be verified and documented by an official letter which is presented to the hospital from the court and which is reissued as designee modifications necessitate. Requests for hospitalization of a minor pursuant to this subrule shall be in accordance with the provisions of section 498e(2) of the act. The designee of the court shall be considered the minor's guardian.

(4) A peace officer or person in loco parentis may request emergency hospitalization of a minor, but does not have legal authority to authorize treatment or releases of information.

History: 1990 AACCS.

R 330.4611 Preadmission evaluations.

Rule 4611. (1) A hospital shall document the basis for its determination of all of the following:

- (a) A minor is emotionally disturbed and requires mental health treatment.
- (b) A minor is expected to benefit from hospitalization.
- (c) Identified appropriate alternatives to hospitalization are not available.

(2) When a county program refers a minor for admission to a hospital operated by, or under contract with, the department or the county program, the county director is responsible for transmitting evaluation information, in writing, to the hospital. In addition to the information required in subrule (1) of this rule, such information shall include all of the following:

- (a) A psychosocial history.
- (b) The identifying information necessary concerning both the minor and the parent or guardian.
- (c) The legal status of the minor with respect to the juvenile court and the department of social services, if appropriate.
- (d) Other information the county director deems appropriate.

(3) In an emergency situation, the county director shall transmit as much of the information specified in subrules (1) and (2) of this rule as possible to the hospital when requesting that a minor be admitted. At a minimum, such information shall contain the basis for the determination that a minor is emotionally disturbed and an explanation justifying the request for an emergency admission. The remaining information shall be sent to the hospital within 7 days of admission.

History: 1990 AACCS.

SUBPART 4. CHANGE IN STATUS OF HOSPITALIZATION

R 330.4620 Authority for terminating admission.

Rule 4620. Only the person responsible for authorizing the hospital treatment for a minor or a minor who was admitted upon his or her own request may submit a notice of intent to terminate hospitalization to the hospital, unless there has been a legal change in the custody of the minor.

History: 1990 AACCS.

R 330.4626 Discharge, transfer, placement, or change in admission status of minor; report.

Rule 4626. (1) When a minor is discharged, transferred, placed in another facility, or has a change in admission status, the hospital director shall report that fact to the responsible county program and shall report the factors which brought about the change.

(2) When a minor is under court-ordered continued hospitalization pursuant to the provisions of section 498n(2) or 498o(6) of the act, the hospital director shall report any discharge, transfer, or placement in another facility to the court which ordered the continued hospitalization and indicate in this report the factors which brought about this change in status.

History: 1990 AACCS.

R 330.4631 Authorized leave of absence.

Rule 4631. (1) When, in the opinion of a hospital director, a minor would benefit from a temporary, short-term experience outside the hospital, the hospital director may authorize a leave of absence.

(2) A minor, while in the custody of the hospital, shall be allowed an authorized leave of absence only if the minor will be released into the custody and supervision of a responsible adult for a specified period of time and only with the consent of a parent or guardian.

(3) An authorized leave of absence to another state shall not be granted for a minor who is under court-ordered continued hospitalization, unless the leave of absence is approved by the court.

(4) A hospital shall not accept liability for expenses incurred by or for a minor on leave, unless the expense is authorized in advance.

History: 1990 AACCS.

R 330.4636 Unauthorized leave.

Rule 4636. If a minor leaves the hospital without permission of the hospital or refuses a request to return to the hospital while on an authorized absence from the hospital, then both of the following provisions apply:

(a) If the parent, guardian, or person in loco parentis is unable to transport the minor and has attempted to arrange for other persons, including hospital staff, to transport the minor to the hospital and either the other persons declined such authorization or the transport of the child did not occur, then this information shall be included in any request submitted to the court for an order of transport under section 498k of the act.

(b) The hospital shall promptly notify the appropriate court if a minor is under court order for continued hospitalization.

History: 1990 AACCS.

R 330.4641 Expiration of court-ordered continued hospitalization order.

Rule 4641. (1) Two weeks before the expiration of a 60-day court-ordered continued hospitalization order, if a minor remains suitable for hospitalization, the hospital director shall attempt to obtain a renewal of the written consent for treatment from the appropriate adult.

(2) If a parent or guardian refuses to consent to treatment, the hospital director may deem this as a notice of intent to terminate hospitalization. The hospital director shall then proceed pursuant to the provisions of section 498j or 498o of the act.

(3) If during the course of court-ordered continued hospitalization, a minor is deemed by the hospital director to be suitable for hospitalization without court order, the hospital director may offer the minor's parent or guardian the opportunity for renewal of the written consent to treatment. If such renewal is made, the hospital director shall inform the court and the court shall dismiss the order for continued hospitalization, unless it finds that dismissal would not be in the best interest of the minor or the public.

History: 1990 AACCS.

SUBPART 5. OBJECTION TO HOSPITALIZATION PROCESS

R 330.4651 Notification of objection to hospitalization process.

Rule 4651. A minor and his or her parent or guardian or a person in loco parentis shall be informed of the objection to the hospitalization process and its time frames at the time of either admission to the hospital or placement on a waiting list for hospitalization. A minor may not object to a court-ordered continued hospitalization pursuant to the provisions of section 498o(6) of the act.

History: 1990 MR 7, Eff. July 19, 1990.

R 330.4661 Assistance in preparing objection to hospitalization; submission of objection to court: advocate for objecting minor under age 14.

Rule 4661. (1) An individual who is 14 years of age or older shall be assisted in preparing a proper written objection for the court by a person assigned by the hospital director.

(2) When an objection is complete, the hospital director or his or her designee shall submit it to the court within 24 hours, excluding Saturdays, Sundays, and holidays.

(3) Upon notification of an objection by an individual under the age of 14, the hospital director or his or her designee shall notify a person requested by the individual to ascertain the person's willingness to be an advocate on behalf of the individual and, if so willing, shall notify the probate court of the objection and request the court to determine if the person requested by the individual is suitable to submit an objection to hospitalization on behalf of the individual.

History: 1990 AACs.