



# Mental Health Association in Michigan

## Letter from Lansing

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## Latest Legislative Changes to “Kevin’s Law”

As promised in our last issue, below are the most recent changes to “Kevin’s Law” (Assisted Outpatient Treatment, or AOT). These changes can be found in Public Act 593 of 2018, signed into law in late December. The act takes effect this March 28<sup>th</sup>.

\*AOT retains a definition in law, and judges are authorized to use it, but subjects no longer have to meet certain experiential criteria from the previous 4 years to qualify (i.e., psychiatric hospitalizations, incarcerations, involvement with violent act or threat). Inability to recognize condition and related unwillingness to accept treatment, thus posing risk of relapse or harmful deterioration, are in effect the qualifying factors.

\*All legislative enabling language for the so-called Alternative Treatment Order (ATO), where someone starts an initial 90-day treatment order in a hospital and finishes it in the community, has been removed. This has been known in Michigan as a “combined” order. The State Court Administrative Office (SCAO) wants a “combined” order from this point on to be hospitalization followed by AOT (which has a 180-day initial order).

\*For the first time, when AOT-only is being considered by a court, the subject of the petition can be transported by police for purposes of a psychiatric evaluation.

\*For an AOT order to be entered, one medical attestation must be filed with the court. If the possible order was stimulated by a petition to the court, the attestation shall be from a psychiatrist, unless a psychiatrist filed the petition, in which case a licensed psychologist or physician can provide the testimony or deposition.

\*A psychiatrist shall be in charge of the treatment provided under AOT, and the decision to release someone from an AOT program and order shall be a clinical determination made by a psychiatrist.

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## Recent School Mental Health Appropriations

As also promised last issue, here is more info on a supplemental education appropriation made by the Legislature in December (Senate Bill 149, Public Act 586 of 2018).



\*\$30 million are appropriated from the School Mental Health & Support Services Fund created under the act.

\*By 2-15-19, the Departments of Education and Health & Human Services shall establish a program to distribute this funding (and another \$1.3 million) to add licensed behavioral health providers for general education pupils, and shall seek federal Medicaid matching funds for eligible mental health and support services.

\*The two state departments shall establish an advisory council to work on, monitor, and help evaluate programs developed under this appropriation.

\*Of the total appropriation, up to \$5 million is to be distributed to child & adolescent health centers to place a licensed master's level behavioral health provider in schools that do not currently have such services available to general education students.

\*\$16.5 million of the appropriation is to be distributed to intermediate school districts (ISDs) for the provision of mental health and support services to general education students. Each ISD submitting a plan approved by the two state departments shall receive just under \$300,000.

\*MDHHS is appropriated \$1.3 million for its work on this effort. Administrative funds are also available to ISDs.

\*Of the total appropriation, up to \$8 million is available to ISDs for "behavioral health team pilot programs." These are described as "school-based behavioral health assessment teams utilizing a train-the-trainer model (to) focus on age-appropriate interventions, identifying behaviors that suggest a student may be struggling with mental health challenges, providing treatment and support of the pupil, and using disciplinary interventions and the criminal justice system as methods of last resort."

\*The funds allocated for school mental health under this act are considered a "work project" appropriation, and unexpended funds for FY-19 are carried over to FY-20. The "estimated completion date" of the work project is given as September 30, 2022.

We commend the Legislature for its attention to the importance of school mental health.

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