

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 9. MISCELLANEOUS PROVISIONS

SUBPART 1. LAFAYETTE CLINIC

R 330.9001 Rescinded.

History: 1979 AC; 1997 AACS.

R 330.9005 Rescinded.

History: 1979 AC; 1997 AACS.

R 330.9007 Rescinded.

History: 1979 AC; 1997 AACS.

R 330.9009 Rescinded.

History: 1979 AC; 1997 AACS.

R 330.9011 Rescinded.

History: 1979 AC; 1990 AACS; 1997 AACS.

SUBPART 2. NUERO-PSYCHIATRIC INSTITUTE

R 330.9121 Rescinded.

History: 1979 AC; 1997 AACS.

R 330.9123 Rescinded.

History: 1979 AC; 1997 AACS.

R 330.9125 Rescinded.

History: 1979 AC; 1997 AACS.

SUBPART 3. ADMINISTRATIVE PROCEDURE

R 330.9201 Rescinded.

History: 1984 AACS; 1997 AACS.

R 330.9205 Rescinded.

History: 1984 AACS; 1997 AACS.

R 330.9208 Rescinded.

History: 1984 AACS; 1997 AACS.

R 330.9210 Rescinded.

History: 1984 AACS; 1997 AACS.

R 330.9215 Rescinded.

History: 1984 AACS; 1997 AACS.

R 330.9220 Rescinded.

History: 1984 AACS; 1997 AACS.

R 330.9222 Rescinded.

History: 1984 AACs; 1997 AACs.

R 330.9225 Rescinded.

History: 1984 AACs; 1997 AACs.

SUBPART 4. IMPACT STATEMENTS

R 330.9301 Definition.

Rule 9301. As used in this subpart, "compatibility-impact statement" means a report by the department director as to the benefit and detriment of any proposed changes to a use or proposed use of public property, in whole or in part, which is contiguous to land or buildings owned or used by the department in the delivery of mental health services utilizing those lands or buildings.

History: 1986 AACs.

R 330.9306 Compatibility-impact statement.

Rule 9306. (1) If the preparation of a compatibility-impact statement is required by law, the procedure specified in this rule shall apply. If the compatibility-impact statement is not required by law, the procedure specified in this rule may apply at the discretion of the director.

(2) Upon receipt by the director of any official plan for reusing contiguous public land or buildings, the plan shall be officially dated as to its receipt.

(3) The director shall forward the reuse plan to the facility director responsible for administration of other land or buildings which are proposed for reuse or are contiguous to such land or buildings, and shall direct that an impact statement be prepared and transmitted to the director within 45 working days.

(4) The facility director shall schedule a hearing and provide notice to the public on when and where the reuse plan can be viewed and the hearing will be held. Notice shall be given not less than 10 working days before the hearing, shall include general notification to the public, and shall endeavor to provide, where appropriate, specific notation to all of the following affected entities:

- (a) Community mental health boards.
- (b) Substance abuse agencies.
- (c) Public health agencies.
- (d) Law enforcement agencies.
- (e) Employee organizations.
- (f) Mental health advocacy organizations.
- (g) Professional groups whose members provide services to the mental health recipients.
- (h) Other educational, human service, or public interest organizations.

(5) The compatibility-impact statement prepared by the facility director shall provide a synopsis of the testimony, shall have copies of written testimony attached, shall list the perceived benefit and detriment, and shall make recommendations regarding additions to or deletions from the reuse plan to ensure compatibility with the mental health service environment.

(6) The director shall review the testimony and compatibility-impact statement material which is prepared by the facility director and shall prepare a report or shall issue a revised compatibility-impact statement report. A compatibility-impact statement shall be submitted to the state administrative board not more than 60 working days following official receipt of the reuse plan if such submission is required by law.

History: 1986 AACCS.

SUBPART 5. CONDUCT ON DEPARTMENT PROPERTY

R 330.9401 Definitions.

Rule 9401. As used in this subpart:

(a) "Department" or "department grounds" means buildings and lands dedicated and appropriated to the public use over which the department has jurisdiction or control, including buildings or parts of buildings and other real estate occupied by the state as lessee.

(b) "Director" means the head of a facility as provided in section 120 of the act or his or her designee.

History: 1988 AACCS.

R 330.9406 Access to department buildings and property.

Rule 9406. (1) State employees are not permitted in department buildings or on department grounds at any time other than their normal working hours, unless appropriate authorization has been received. Proper identification of employees may be required and employees may be required to sign a registration sheet.

(2) Hours for visiting patients are adopted by each department facility. When required by the department facility, visitors shall be required to sign a registration sheet.

(3) Other entries by permittees or by the general public onto department property or into department buildings requires authorization by the director or the director of the department.

(4) Compliance with operational security measures established and enforced by the department facility shall be a condition of authorization for access to department buildings and property.

(5) In general, picketing or distributing literature is allowed at the entrance to department grounds if it does not interfere with access, ingress, or egress. Distribution of literature by employees or employee organizations shall be as provided in employment contracts or the employee relations policy adopted by the civil service commission and in department personnel policies.

(6) The department may lock entrances to any building at any time and may require that such entrances be used from within only as a means of egress in case of emergency. A person shall not enter or attempt to enter a state building through an entrance closed pursuant to this rule.

History: 1988 AACs.

R 330.9411 Removal of property; inspections.

Rule 9411. (1) A person shall not remove state property from department buildings or grounds unless the removal has been previously authorized in writing by the director of the department or the director.

(2) Authorized staff may inspect briefcases, packages, or other items being transported into or out of department buildings, grounds, or parking facilities for the presence of state property.

History: 1988 AACs.

R 330.9416 Items prohibited on department property; inspections; retention of prohibited items.

Rule 9416. (1) A person shall not bring onto department grounds any alcoholic beverages or any weapons. A peace officer on official business may continue to possess a weapon, except in a resident living area. A department facility shall adopt a list of other particular kinds of items excluded from department grounds or resident living areas.

(2) A department facility shall post, in places that are readily visible to the public, lists of items excluded from department grounds or resident living areas.

(3) A person shall not provide to any resident any item which is excluded from the facility or a resident living area or which is subject to a limitation in the resident plan of service.

(4) A person shall not bring into any resident living area any medication or drugs, lawful knives, sharp objects, or other items excluded by facility policy, except as follows:

(a) Staff may bring the following into resident living areas:

(i) Medication, in appropriate dosages, which is necessary for health maintenance during the staff person's work hours.

(ii) Lawful knives or sharp objects which are not kept in an area accessible to residents.

(b) A visitor may bring medication into resident living areas, in appropriate dosages, which is for health maintenance of the visitor if the possession of the medication is disclosed and permission to so possess has been granted by authorized staff.

(5) Authorized staff may inspect briefcases, packages, or other items being transported into or out of department buildings or grounds, including parking facilities. Staff detaining a person entering department grounds or buildings shall inform the person that they have the option of permitting the inspection or leaving department grounds or buildings.

(6) A visitor or permittee who might possess items excluded from the grounds or resident living areas shall be informed that the items must be retained by authorized personnel and a receipt shall be given for the items during the time such a person is in a department building or on department grounds.

(7) Department lockers assigned to a particular staff member are subject, at any time, to inspections by an authorized person with a supervisor witness. The staff member who has been assigned the locker may be present during such inspections. A written report of any significant findings shall be prepared immediately following such an inspection for review and appropriate action.

History: 1988 AACS.

R 330.9421 Obstructions; solicitations and sales.

Rule 9421. (1) A person or a person's vehicle shall not occupy a corridor, sidewalk, areaway, driveway, or room in a department building or on department grounds in such manner as to hamper or obstruct the proper use or movement of personnel or vehicles, the care and treatment of patients or residents, the freedom of movement of patients or residents, or the proper conduct of department business.

(2) Other than authorized department staff, a person is not permitted in department buildings or on department grounds for the purpose of the solicitation of funds or the sale of any article, except that the department may authorize such conduct, confined to the entrances and lobby areas of department buildings, by charitable organizations.

History: 1988 AACS.

R 330.9426 Animals; camping.

Rule 9426. (1) Except as may be authorized in the course of department or facility business, animals are not permitted on department grounds. The owner or person having an animal under his or her control shall be legally and financially responsible for the acts of the animal. Guide, hearing, or service dogs used by handicappers are permitted on department grounds.

(2) A person shall not camp, erect a tent, or erect any other temporary structure on department grounds, except when permission has been granted by the department's authorized staff.

History: 1988 AACS.

R 330.9431 Enforcement.

Rule 9431. (1) A person openly and wilfully refusing to conform to these rules, in addition to criminal penalties provided by law, is subject to immediate removal from a department building or department grounds by the department's authorized personnel.

(2) Nothing contained in these rules shall be construed as limiting prosecution under penal law.

History: 1988 AACS.