



STATE OF MICHIGAN
DEPARTMENT OF HEALTH AND HUMAN SERVICES
LANSING

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DIRECTOR

June 10, 2020

TO: Executive Directors of Prepaid Inpatient Health Plans (PIHPs)
and Community Mental Health Services Programs (CMHSPs)

FROM: Jeffery L. Wieferich, M.A., LLP, Director *JW*
Bureau of Community Mental Health Services

SUBJECT: New Mediation Law in the Mental Health Code

As many of you may be aware, there were some changes to the Mental Health Code (MHC) in March. I have attached Public Act 55 of 2020 which was added as section 206(a) of the MHC and establishes a Mediation process. It is not a component of recipient rights and the rights office has no responsibility in the process. The notice for this service should be provided by the CMHSP at the time services are initiated, and at least annually thereafter and whenever a recipient or their representative requests an alternative dispute resolution. Here is the specific language:

Sec. 206a.

(1) A recipient or his or her individual representative must be offered an opportunity to request mediation to resolve a dispute between the recipient or his or her individual representative and the community mental health services program or other service provider under contract with the community mental health services program related to planning and providing services or supports to the recipient.

(2) The community mental health services program or service provider shall provide notice to a recipient, or his or her individual representative, of the right to request and access mediation at the time services or supports are initiated and at least annually after that. When the community mental health services program's or service provider's local dispute resolution process, local appeals process, or state Medicaid fair hearing is requested, notification of the right to request mediation must also be provided to the recipient or his or her individual representative.

Unfortunately, the effective date of March 3, 2020 on this law was completely overtaken by COVID-19 and the Michigan Department of Health and Human Services (MDHHS) has not secured the services of a mediation organization to manage the requests at this time. MDHHS has initiated the process to release a request for proposal so we can secure a vendor. Our goal is to have this service established on October 1, 2020. Until a vendor is identified, this service will not be available to individuals even though it is currently in the MHC. If you have further questions, please let me know.

cc: Allen Jansen Raymie Postema Belinda Hawks
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