

HOUSE BILL No. 4680

April 16, 1991, Introduced by Reps. Clack and Pitoniak and referred to the Committee on Social Services and Youth.

A bill to amend sections 108 and 109 of Act No. 280 of the Public Acts of 1939, entitled as amended

"The social welfare act,"

section 109 as amended by Act No. 261 of the Public Acts of 1990, being sections 400.108 and 400.109 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 108 and 109 of Act No. 280 of the
2 Public Acts of 1939, section 109 as amended by Act No. 261 of the
3 Public Acts of 1990, being sections 400.108 and 400.109 of the
4 Michigan Compiled Laws, are amended to read as follows:

5 Sec. 108. A medically indigent person as defined under
6 ~~subdivision (1)~~ SUBSECTION (1)(A) of section 106 ~~—~~ is
7 entitled to all the services enumerated in subsections ~~(a), (b),~~
8 ~~(c), (d), (e) and (f)~~ (1)(A), (B), (C), (D), (E), AND (F) AND

1 (2) of section 109. A medically indigent person as defined under
2 ~~subdivision (2)~~ SUBSECTION (1)(B) of section 106 is entitled to
3 ~~medical~~ THE services enumerated in subsections ~~(a), (c) and~~
4 ~~(e)~~ (1)(A), (C), AND (E) AND (2) of section 109. ~~He shall~~
5 SUCH A PERSON IS also ~~be~~ entitled to the services enumerated in
6 subsections ~~(b), (d) and (f)~~ (1)(B), (D), AND (F) of section
7 109 to the extent of appropriations made available by the legis-
8 lature for the fiscal year. Medical services shall be rendered
9 upon certification by the attending licensed physician and dental
10 services shall be rendered upon certification of the attending
11 licensed dentist that a service is required for the treatment of
12 an individual. CERTIFICATION IS NOT NECESSARY FOR THE SERVICES
13 ENUMERATED IN SUBSECTION (2) OF SECTION 109. The services of a
14 medical institution shall be rendered only after referral by a
15 licensed physician or dentist and certification by him OR HER
16 that the services of the medical institution are required for the
17 medical or dental treatment of the individual, except that refer-
18 ral is not necessary ~~in case of~~ FOR an emergency AND REFERRAL
19 AND CERTIFICATION ARE NOT NECESSARY FOR THE SERVICES ENUMERATED
20 IN SUBSECTION (2) OF SECTION 109. Periodic recertification that
21 medical treatment ~~which extends~~ EXTENDING over a period of time
22 is required ~~in accordance with~~ PURSUANT TO regulations of the
23 state department ~~shall be~~ IS a condition of continuing eligi-
24 bility to receive medical assistance. To comply with federal
25 statutes governing medicaid, the state department shall provide
26 such early and periodic screening, diagnostic, and treatment
27 services to eligible children as it ~~deems~~ CONSIDERS necessary.

1 Sec. 109.. (1) The following medical services may be
2 provided under this act:

3 (a) Hospital services that an eligible person may receive
4 consist of medical, surgical, or obstetrical care, together with
5 necessary drugs, x-rays, physical therapy, prosthesis, transpor-
6 tation, and nursing care incident to the medical, surgical, or
7 obstetrical care. The period of inpatient hospital service shall
8 be the minimum period necessary in this type of facility for the
9 proper care and treatment of the individual. Necessary hospital-
10 ization to provide dental care shall be provided if certified by
11 the attending dentist with the approval of the state department.
12 A person who is receiving medical treatment as an inpatient
13 because of a diagnosis of tuberculosis or mental disease may
14 receive service under this section, notwithstanding the mental
15 health code, Act No. 258 of the Public Acts of 1974, as amended,
16 being sections 330.1001 to 330.2106 of the Michigan Compiled
17 Laws, and Act No. 177 of the Public Acts of 1925, as amended,
18 being sections 332.151 to 332.164 of the Michigan Compiled Laws.
19 The state department shall pay for hospital services ~~in accord-~~
20 ~~ance with~~ PURSUANT TO the state plan for medical assistance
21 adopted pursuant to section 10 and approved by the United States
22 department of health and human services.

23 (b) An eligible person may receive physician services autho-
24 rized by the state department. The service may be furnished in
25 the PHYSICIAN'S office, ~~of the physician,~~ the eligible
26 person's home, a medical institution, or elsewhere in case of
27 emergency. A physician shall be paid a reasonable charge for the

1 service rendered. Reasonable charges shall be determined by the
2 state department and shall not be more than those paid in this
3 state for services rendered under title XVIII.

4 (c) An eligible person may receive nursing home services in
5 a state licensed nursing home, a medical care facility, or other
6 facility or identifiable unit of that facility, certified by the
7 appropriate authority as meeting established standards for a
8 nursing home under the laws and rules of this state and the
9 United States department of health and human services, to the
10 extent found necessary by the attending physician, dentist, or
11 certified Christian Science practitioner. An eligible person may
12 receive nursing services in a short-term nursing care program
13 established under section 22210 of the public health code, Act
14 No. 368 of the Public Acts of 1978, being section 333.22210 of
15 the Michigan Compiled Laws, to the extent found necessary by the
16 attending physician when the combined length of stay in the acute
17 care bed and short-term nursing care bed exceeds the average
18 length of stay for medicaid hospital diagnostic related group
19 reimbursement. The state department shall not make a final pay-
20 ment pursuant to title XIX for benefits available under title
21 XVIII without documentation that title XVIII claims have been
22 filed and denied. The state department shall pay for nursing
23 home services ~~in accordance with~~ PURSUANT TO the state plan for
24 medical assistance adopted pursuant to section 10 and approved by
25 the United States department of health and human services. A
26 county shall reimburse a county maintenance of effort rate
27 determined on an annual basis for each patient day of medicaid

1 nursing home services provided to eligible persons in long term
2 care facilities owned by the county and licensed to provide nurs-
3 ing home services.

4 (i) For county owned facilities with per patient day updated
5 variable costs exceeding the variable cost limit for the county
6 facility, county maintenance of effort rate means 45% of the dif-
7 ference between per patient day updated variable cost and the
8 concomitant nursing ~~home class~~ HOME CLASS variable cost limit,
9 the quantity offset by the difference between per patient day
10 updated variable cost and the concomitant variable cost limit for
11 the county facility. The county rate shall not be less than
12 zero.

13 (ii) For county owned facilities with per patient day
14 updated variable costs not exceeding the variable cost limit for
15 the county facility, county maintenance of effort rate means 45%
16 of the difference between per patient day updated variable cost
17 and the concomitant nursing home class variable cost limit.

18 (iii) For county owned facilities with per patient day
19 updated variable costs not exceeding the concomitant nursing home
20 class variable cost limit, the county maintenance of effort rate
21 shall equal zero.

22 (iv) For the purposes of this section: "per patient day
23 updated variable costs and the variable cost limit for the county
24 facility" shall be determined pursuant to the state plan for med-
25 ical assistance; for freestanding county facilities the "nursing
26 home class variable cost limit" shall be determined pursuant to
27 the state plan for medical assistance and for hospital attached

1 county facilities the "nursing HOME class variable cost limit"
2 shall be determined pursuant to the state plan for medical
3 assistance plus \$5.00 per patient day; and "freestanding" and
4 "hospital attached" shall be determined ~~in accordance with~~
5 PURSUANT TO the federal regulations.

6 (v) If the county maintenance of effort rate computed ~~in~~
7 ~~accordance with~~ PURSUANT TO this section exceeds the county
8 maintenance of effort rate in effect ~~as of~~ September 30, 1984,
9 the rate in effect ~~as of~~ September 30, 1984 shall remain in
10 effect until ~~such time as~~ the rate computed ~~in accordance~~
11 ~~with~~ PURSUANT TO this section is less than the September 30,
12 1984 rate. This limitation shall be retroactive to December 29,
13 1989 and shall remain in effect until December 31, 1994. For
14 each subsequent county fiscal year the maintenance of effort may
15 not increase by more than \$1.00 per patient day each year.

16 (vi) For county owned facilities, reimbursement for plant
17 costs ~~will continue to~~ SHALL be based on interest expense and
18 depreciation allowance unless otherwise provided by law.

19 (d) An eligible person may receive pharmaceutical services
20 from a licensed pharmacist of the person's choice as prescribed
21 by a licensed physician or dentist and approved by the state
22 department. In an emergency, but not routinely, the person may
23 receive pharmaceutical services rendered personally by a licensed
24 physician or dentist on the same basis as approved for
25 pharmacists.

26 (e) An eligible person may receive other medical and health
27 services ~~as~~ authorized by the state department.

1 (f) Psychiatric care may also be provided pursuant to the
2 guidelines established by the state department to the extent of
3 appropriations made available by the legislature for the fiscal
4 year.

5 (2) IF A CHARGE IS MADE, THE STATE DEPARTMENT SHALL PAY THE
6 CHARGE FOR ADMINISTERING TO AN ELIGIBLE PERSON THE PROCEDURES
7 REQUIRED BY A SEXUAL ASSAULT EVIDENCE KIT UNDER SECTION 21527 OF
8 THE PUBLIC HEALTH CODE, ACT NO. 368 OF THE PUBLIC ACTS OF 1978,
9 BEING SECTION 333.21527 OF THE MICHIGAN COMPILED LAWS.

10 (3) ~~-(2)-~~ The director shall provide notice to the public ~~→~~
11 ~~in accordance with~~ PURSUANT TO applicable federal regulations,
12 and shall obtain the approval of the committees on appropriations
13 of the house of representatives and senate ~~of the legislature~~
14 of this state, of any proposed change in the statewide method or
15 level of reimbursement for a service, if the proposed change is
16 expected to increase or decrease payments for that service by 1%
17 or more during the 12 months after the effective date of the
18 change.

19 (4) ~~-(3)-~~ As used in this act:

20 (a) "Title V" means title V of the social security act,
21 chapter 531, 49 Stat. 620, 42 U.S.C. 701 to 703, 704, and 705 to
22 709.

23 (b) "Title XVIII" means title XVIII of the social security
24 act, chapter 531, 49 Stat. 620, 42 U.S.C. 1395 to 1395b, 1395b-2,
25 1395c to 1395i, ~~+395i-1a~~ 1395i-2 to 1395i-4, 1395j to 1395t,
26 1395u to 1395w-2, 1395w-4 to 1395dd, 1395ff to 1395yy, and
27 1395bbb to 1395ccc.

1 (c) "Title XIX" means title XIX of the social security act,
2 chapter 531, 49 Stat. 620, 42 U.S.C. 1396 to 1396d, 1396f to
3 1396g, and 1396i to 1396s.

4 (d) "Title XX" means title XX of the social security act,
5 chapter 531, 49 Stat. 620, 42 U.S.C. 1397 to 1397e.