

SENATE BILL No. 16

January 24, 1991, Introduced by Senator DINGELL and referred to the Committee on Mental Health, Human Resources, and Senior Citizens.

A bill to amend section 107 of Act No. 280 of the Public Acts of 1939, entitled as amended

"The social welfare act,"

being section 400.107 of the Michigan Compiled Laws; and to add sections 107a and 107b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 107 of Act No. 280 of the Public Acts of
2 1939, being section 400.107 of the Michigan Compiled Laws, is
3 amended and sections 107a and 107b are added to read as follows:

4 Sec. 107. In establishing financial eligibility for the
5 medically indigent as defined in section ~~106(2)~~ 106 (1)(B),
6 income shall be disregarded in accordance with standards estab-
7 lished for the related categorical assistance program, SUBJECT TO
8 SECTIONS 107A AND 107B. Additional income shall be applied
9 against ~~the~~ ~~(i)~~ the cost of medical care not authorized under

1 this act, and ~~-(ii)-~~ the cost of services authorized under this
 2 act, in excess of the basic amount. For medical assistance only,
 3 income shall include the amount of contribution ~~-which-~~ THAT an
 4 estranged spouse or parent for a minor child is making to the
 5 applicant according to the standards of the state department, or
 6 pursuant to a court determination, if there is such a
 7 determination. ~~-Nothing-~~ EXCEPT AS PROVIDED IN SECTION 107B,
 8 NOTHING in this section ~~-shall-eliminate-~~ ELIMINATES the respon-
 9 sibility of support established in section 76 for cash assistance
 10 received under this act.

11 SEC. 107A. AS USED IN THIS SECTION AND SECTION 107B:

12 (A) "ADJUSTED ANNUALLY" MEANS INCREASED BY THE DEPARTMENT
 13 EACH YEAR, BASED UPON THE PERCENTAGE INCREASE IN THE CONSUMER
 14 PRICE INDEX FOR ALL URBAN CONSUMERS, ALL ITEMS, U.S. CITY AVER-
 15 AGE, AS DETERMINED BY THE BUREAU OF LABOR STATISTICS OF THE
 16 UNITED STATES DEPARTMENT OF LABOR, BETWEEN SEPTEMBER 1988 AND THE
 17 SEPTEMBER BEFORE THE CALENDAR YEAR INVOLVED.

18 (B) "AT RISK OF INSTITUTIONALIZATION" MEANS THAT WITHOUT THE
 19 PROVISION OF HOME OR COMMUNITY-BASED SERVICES DESCRIBED IN SEC-
 20 TION 1915(c) OR (d) OF TITLE XIX OF THE SOCIAL SECURITY ACT,
 21 CHAPTER 531, 49 STAT. 620, 42 U.S.C. 1396n, A PERSON WOULD HAVE
 22 TO BE CARED FOR IN A MEDICAL INSTITUTION.

23 (C) "INSTITUTIONALIZED SPOUSE" MEANS A QUALIFIED APPLICANT
 24 WHO IS MARRIED TO A SPOUSE WHO IS NOT IN A MEDICAL INSTITUTION OR
 25 AT RISK OF INSTITUTIONALIZATION.

26 (D) "LONG-TERM CARE" MEANS CARE THAT EXCEEDS OR IS PROJECTED
 27 TO EXCEED AT LEAST 30 DAYS.

1 (E) "MEDICAL INSTITUTION" MEANS THAT TERM AS DEFINED IN
2 SECTION 106(2).

3 (F) "QUALIFIED APPLICANT" MEANS A PERSON WHO IS ADMITTED TO
4 A MEDICAL INSTITUTION FOR LONG-TERM CARE OR WHO IS FOUND THROUGH
5 A FORMAL PREADMISSION SCREENING PROCESS TO BE AT RISK OF INSTITU-
6 TIONALIZATION FOR LONG-TERM CARE AND WHO APPLIES FOR MEDICAL
7 ASSISTANCE UNDER THIS ACT.

8 SEC. 107B. THE STATE DEPARTMENT SHALL AMEND THE STATE PLAN
9 FOR MEDICAL ASSISTANCE REQUIRED UNDER SECTION 1902 OF TITLE XIX
10 OF THE SOCIAL SECURITY ACT, CHAPTER 531, 49 STAT. 620, 42 U.S.C.
11 1396a, TO CONFORM TO FEDERAL REQUIREMENTS FOR THE TREATMENT OF
12 INCOME AND RESOURCES IN DETERMINING THE ELIGIBILITY OF AN INSTI-
13 TUTIONALIZED SPOUSE FOR MEDICAL ASSISTANCE. THE AMENDMENTS TO
14 THE STATE PLAN SHALL INCLUDE BOTH OF THE FOLLOWING:

15 (A) THE MINIMUM MONTHLY MAINTENANCE NEEDS ALLOWANCE, AS
16 DEFINED IN SECTION 1924(d)(3) OF TITLE XIX OF THE SOCIAL SECURITY
17 ACT, CHAPTER 531, 49 STAT. 620, 42 U.S.C. 1396r-5, TO BE RETAINED
18 BY OR TRANSFERRED TO THE SPOUSE OF AN INSTITUTIONALIZED SPOUSE
19 AND TREATED AS UNAVAILABLE FOR CARE OF THE INSTITUTIONALIZED
20 SPOUSE, SHALL BE \$1,500.00, AS ADJUSTED ANNUALLY, UNLESS THE NEED
21 FOR A HIGHER AMOUNT IS ESTABLISHED IN A FAIR HEARING OR BY COURT
22 ORDER.

23 (B) THE TOTAL AMOUNT OF RESOURCES TO BE RETAINED BY OR
24 TRANSFERRED TO THE SPOUSE OF AN INSTITUTIONALIZED SPOUSE AND
25 TREATED AS UNAVAILABLE FOR CARE OF THE INSTITUTIONALIZED SPOUSE
26 FOR PURPOSES OF SECTION 1924(f)(2)(A) OF TITLE XIX OF THE SOCIAL
27 SECURITY ACT, CHAPTER 531, 49 STAT. 620, 42 U.S.C. 1396r-5, SHALL

1 BE \$60,000.00, AS ADJUSTED ANNUALLY, UNLESS THE NEED FOR A HIGHER
2 AMOUNT IS ESTABLISHED IN A FAIR HEARING OR BY COURT ORDER.