

Act No. 302
Public Acts of 1994
Approved by the Governor
July 13, 1994
Filed with the Secretary of State
July 14, 1994

**STATE OF MICHIGAN
87TH LEGISLATURE
REGULAR SESSION OF 1994**

Introduced by Senators Vaughn Faust O'Brien Schwarz Koivisto Dillingham McManus Kelly
Berryman Carl Dingell DeGrow Gast and Dunaskiss

ENROLLED SENATE BILL No. 1078

AN ACT to amend section 109c of Act No. 280 of the Public Acts of 1939 entitled as amended An act to protect the welfare of the people of this state to provide general assistance hospitalization infirmary and medical care to poor or unfortunate persons to provide for compliance by this state with the social security act to provide protection welfare and services to aged persons dependent children the blind and the permanently and totally disabled to administer programs and services for the prevention and treatment of delinquency dependency and neglect of children to create a state department of social services to prescribe the powers and duties of the department to provide for the interstate and intercounty transfer of dependents to create county and district departments of social services to create within certain county departments bureaus of social aid and certain divisions and offices thereunder to prescribe the powers and duties of the departments bureaus and officers to provide for appeals in certain cases to prescribe the powers and duties of the state department with respect to county and district departments to prescribe certain duties of certain other state departments officers and agencies to make an appropriation to prescribe penalties for the violation of the provisions of this act and to repeal certain parts of this act on specific dates as added by Act No. 410 of the Public Acts of 1988 being section 400 109c of the Michigan Compiled Laws

The People of the State of Michigan enact

Section 1 Section 109c of Act No. 280 of the Public Acts of 1939 as added by Act No. 410 of the Public Acts of 1988 being section 400 109c of the Michigan Compiled Laws is amended to read as follows

Sec 109c (1) The state department shall include as part of its program of medical services under this act home or community based services to eligible persons whom the state department determines would otherwise require nursing home services or similar institutional care services under section 109 The home or community based services shall be offered to qualified eligible persons who are receiving inpatient hospital or nursing home services as an alternative to those forms of care

(2) The home or community based services shall include safeguards adequate to protect the health and welfare of participating eligible persons and shall be provided according to a written plan of care for each person The services available under the home or community based services program shall include at a minimum all of the following

- (a) Home delivered meals
- (b) Chore services
- (c) Homemaker services
- (d) Respite care
- (e) Personal care

- (f) Adult day care
- (g) Private duty nursing
- (h) Mental health counseling
- (i) Caregiver training
- (j) Emergency response systems
- (k) Home modification
- (l) Transportation
- (m) Medical equipment and supply services

(3) This section shall be implemented so that the average per capita expenditure for home or community based services for eligible persons receiving those services does not exceed the estimated average per capita expenditure that would have been made for those persons had they been receiving nursing home services inpatient hospital or similar institutional care services instead

(4) The state department shall seek a waiver necessary to implement this program from the federal department of health and human services as provided in section 1915 of title XIX 42 U S C 1396n The department shall request any modifications of the waiver that are necessary in order to expand the program in accordance with subsection (9)

(5) The state department shall establish policy for identifying the rules for persons receiving inpatient hospital or nursing home services who may qualify for home or community based services The rules shall contain at a minimum a listing of diagnoses and patient conditions to which the option of home or community based services may apply and a procedure to determine if the person qualifies for home or community based services

(6) The state department shall provide to the legislature and the governor an annual report showing the detail of its home and community based case finding and placement activities At a minimum the report shall contain each of the following

(a) The number of persons provided home or community based services who would otherwise require inpatient hospital services This shall include a description of medical conditions services provided and projected cost savings for these persons

(b) The number of persons provided home or community based services who would otherwise require nursing home services This shall include a description of medical conditions services provided and projected cost savings for these persons

(c) The number of persons and the annual expenditure for personal care services

(d) The number of hearings requested concerning home or community based services and the outcome of each hearing which has been adjudicated during the year

(7) The written plan of care required under subsection (2) for an eligible person shall not be changed unless the change is prospective only and the state department does both of the following

(a) Not later than 30 days before making the change except in the case of emergency consults with the eligible person or in the case of a child with the child's parent or guardian

(b) Consults with each medical service provider involved in the change This consultation shall be documented in writing

(8) An eligible person who is receiving home or community based services under this section and who is dissatisfied with a change in his or her plan of care or a denial of any home or community based service may demand a hearing as provided in section 9 and subsequently may appeal the hearing decision to circuit court as provided in section 37

(9) The state department shall expand the home and community based services program by increasing the number of counties in which it is available in conformance with this subsection The program may be limited in total cost and in the number of recipients per county who may receive services at 1 time Subject to obtaining the waiver and any modifications of the waiver sought under subsection (4) the program shall be expanded as follows

(a) Not later than 1 year after the effective date of this subsection home and community based services shall be available to eligible applicants in those counties that when combined contain at least 1/4 of the population of this state

(b) Not later than 2 years after the effective date of this subsection home and community based services shall be available to eligible applicants in those counties that when combined contain at least 1/2 of the population of this state

(c) Not later than 3 years after the effective date of this subsection home and community based services shall be available to eligible applicants in those counties that when combined contain at least 3/4 of the population of this state

(d) Not later than 4 years after the effective date of this subsection home and community based services shall be available to eligible applicants on a statewide basis

(10) The state department shall work with the office of services to the aging in implementing the home and community based services program including the provision of preadmission screening case management and recipient access to services

This act is ordered to take immediate effect

Secretary of the Senate

Co Clerk of the House of Representatives

Approved

Governor