



# HOUSE BILL No. 4766

May 11, 1993, Introduced by Reps. Gire, Emerson, Scott, Hollister, Joe Young, Jr., Jondahl, Wallace, Points, Berman, Ciaramitaro and Harrison and referred to the Committee on Human Services and Children.

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

"The social welfare act,"

as amended, being sections 400.1 to 400.119b of the Michigan  
Compiled Laws, by adding sections 55d, 55e, 55f, and 55g.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Act No. 280 of the Public Acts of 1939, as  
2 amended, being sections 400.1 to 400.119b of the Michigan  
3 Compiled Laws, is amended by adding sections 55d, 55e, 55f, and  
4 55g to read as follows:

5 SEC. 55D. AS USED IN THIS SECTION AND SECTIONS 55E TO 55G:

6 (A) "MEDICAID" MEANS THE PROGRAM OF MEDICAL ASSISTANCE  
7 ESTABLISHED PURSUANT TO SECTION 105.

8 (B) "PROGRAM" MEANS THE STATE OPPORTUNITY AND SECURITY  
9 PROGRAM ESTABLISHED PURSUANT TO SECTION 55E.

1        SEC. 55E. (1) THE DEPARTMENT SHALL ESTABLISH AND OPERATE A  
2 STATE OPPORTUNITY AND SECURITY PROGRAM. A PERSON IS ELIGIBLE FOR  
3 THE PROGRAM IF HE OR SHE MEETS THE STANDARD OF NEED DESCRIBED IN  
4 SECTION 55G, IS 18 YEARS OF AGE OR OLDER OR AN EMANCIPATED MINOR,  
5 AND IS 1 OR MORE OF THE FOLLOWING:

6        (A) FIFTY YEARS OLD OR OLDER.

7        (B) DETERMINED ELIGIBLE FOR SUPPLEMENTAL SECURITY INCOME,  
8 SOCIAL SECURITY, OR MEDICAID DUE TO DISABILITY.

9        (C) DISABLED UNDER THE DEFINITION SET OUT IN SUBSECTION (2)  
10 FOR AT LEAST 90 CONSECUTIVE DAYS.

11       (D) A RESIDENT OF AN ADULT FOSTER CARE FACILITY, HOME FOR  
12 THE AGED, COUNTY INFIRMARY, OR SUBSTANCE ABUSE TREATMENT CENTER.

13       (E) RECEIVING OUTPATIENT OR INPATIENT SUBSTANCE ABUSE TREAT-  
14 MENT FROM A RECOGNIZED SUBSTANCE ABUSE TREATMENT CENTER, OR A  
15 RECIPIENT OF SUCH TREATMENT WITHIN THE LAST 90 DAYS. "RECEIVING  
16 OUTPATIENT OR INPATIENT SUBSTANCE ABUSE TREATMENT" INCLUDES A  
17 PERSON ON A WAITING LIST OF A RECOGNIZED SUBSTANCE ABUSE TREAT-  
18 MENT CENTER WHO IS COMPLYING WITH REQUIREMENTS TO MAINTAIN STATUS  
19 ON THE WAITING LIST.

20       (F) DIAGNOSED AS HAVING ACQUIRED IMMUNODEFICIENCY SYNDROME  
21 UNDER THE DEFINITION OF THE CENTERS FOR DISEASE CONTROL OR  
22 ACQUIRED IMMUNODEFICIENCY SYNDROME RELATED COMPLEX.

23       (G) ACCEPTED FOR SERVICES BY MICHIGAN REHABILITATION  
24 SERVICES.

25       (H) RECEIVING SPECIAL EDUCATION SERVICES THROUGH THE LOCAL  
26 INTERMEDIATE SCHOOL DISTRICT.

1 (I) A CARETAKER OF A DISABLED PERSON DESCRIBED IN  
2 SUBDIVISION (B), (C), (F), OR (H).

3 (2) A PERSON IS DISABLED UNDER SUBSECTION (1)(C) IF HE OR  
4 SHE HAS A DETERMINABLE PHYSICAL OR MENTAL CHARACTERISTIC THAT MAY  
5 RESULT FROM DISEASE, INJURY, CONGENITAL CONDITION OF BIRTH, OR  
6 FUNCTIONAL DISORDER IF THE CHARACTERISTIC SUBSTANTIALLY LIMITS 1  
7 OR MORE OF THE MAJOR LIFE ACTIVITIES OF THAT INDIVIDUAL.  
8 DISABLED PERSONS INCLUDE, BUT ARE NOT LIMITED TO, A PERSON  
9 RELEASED FROM AN INSTITUTION FOR MENTAL DISEASES, A HOSPITAL PSY-  
10 CHIATRIC WARD, OR AN ADULT FOSTER CARE FACILITY WITHIN 6 MONTHS  
11 BEFORE APPLICATION. A PERSON WITH A SUBSTANTIAL HISTORY OF  
12 MENTAL ILLNESS IS PRESUMED TO BE ELIGIBLE.

13 (3) PROGRAM BENEFITS SHALL BE PROVIDED TO ELIGIBLE RECIP-  
14 IENTS UNTIL THOSE BENEFITS ARE PROPERLY TERMINATED IN ACCORDANCE  
15 WITH THIS SECTION. THE DEPARTMENT SHALL NOT TERMINATE PROGRAM  
16 BENEFITS UNLESS IT CAN ESTABLISH BY MEDICAL EVIDENCE THAT THE  
17 RECIPIENT'S MEDICAL CONDITION HAS IMPROVED AND THAT THE RECIPIENT  
18 NO LONGER MEETS ANY OF THE CRITERIA FOR ELIGIBILITY UNDER SUBSEC-  
19 TION (1). THE DEPARTMENT SHALL NOT TERMINATE BENEFITS WITHOUT  
20 AFFORDING THE RECIPIENT AN OPPORTUNITY FOR A HEARING TO CONTEST  
21 THE DEPARTMENT'S DETERMINATION. IF THE RECIPIENT CLAIMS A NEW  
22 PHYSICAL, MENTAL, OR PSYCHOLOGICAL CONDITION MEETS THE REQUIRE-  
23 MENTS OF SUBSECTION (1)(C), HE OR SHE SHALL BE PROVIDED THE SAME  
24 ASSISTANCE A NEW APPLICANT WOULD BE PROVIDED IN ESTABLISHING THAT  
25 CONDITION, AND BENEFITS SHALL CONTINUE DURING THAT PROCESS. THE  
26 DEPARTMENT SHALL REVIEW PROGRAM ELIGIBILITY AT LEAST ONCE A YEAR,  
27 BUT NO MORE FREQUENTLY THAN AT 6-MONTH INTERVALS, UNLESS THE

1 DEPARTMENT RECEIVES EVIDENCE THAT THE BASIS ON WHICH A PERSON WAS  
2 DETERMINED ELIGIBLE FOR THE PROGRAM HAS CHANGED.

3 (4) THE DEPARTMENT SHALL PROMULGATE RULES PURSUANT TO THE  
4 ADMINISTRATIVE PROCEDURES ACT OF 1969, ACT NO. 306 OF THE PUBLIC  
5 ACTS OF 1969, BEING SECTIONS 24.201 TO 24.328 OF THE MICHIGAN  
6 COMPILED LAWS, TO IMPLEMENT THE PROGRAM.

7 SEC. 55F. (1) IN DETERMINING ELIGIBILITY FOR THE PROGRAM,  
8 THE DEPARTMENT SHALL MAINTAIN A STANDARD OF PROMPTNESS OF 45  
9 DAYS. ALL REQUESTS FOR BENEFITS SHALL BE REGISTERED ON THE DAY  
10 THE REQUEST IS MADE, AND THE STANDARD OF PROMPTNESS SHALL BEGIN  
11 TO RUN FROM THAT DATE.

12 (2) UPON AN APPLICANT'S REQUEST FOR BENEFITS, THE DEPARTMENT  
13 SHALL ISSUE A VOUCHER AUTHORIZING PAYMENT FOR A COMPLETE PHYSICAL  
14 EXAMINATION BY A PHYSICIAN OF THE APPLICANT'S CHOICE. IF AN  
15 APPLICANT DOES NOT CHOOSE A PHYSICIAN, THE DEPARTMENT SHALL  
16 ARRANGE FOR AN EXAMINATION. AN APPLICANT WHO INDICATES OR SHOWS  
17 SYMPTOMS OF PSYCHOLOGICAL PROBLEMS SHALL BE GIVEN A VOUCHER FOR A  
18 PSYCHOLOGICAL EXAMINATION BY AN APPROPRIATE MENTAL HEALTH PROFES-  
19 SIONAL OF THE CLIENT'S CHOICE. FOR THESE EXAMINATIONS, THE PAY-  
20 MENT RATE SHALL EQUAL THE MEDICAID PAYMENT RATE FOR A COMPARABLE  
21 EXAMINATION. PAYMENT SHALL NOT BE MADE TO THE PHYSICIAN UNTIL A  
22 COMPLETED REPORT ABOUT THE APPLICANT'S CONDITION IS SUBMITTED BY  
23 THE EXAMINING PHYSICIAN OR MENTAL HEALTH PROFESSIONAL. THE  
24 DEPARTMENT SHALL REQUEST THE PHYSICIAN OR MENTAL HEALTH PROFES-  
25 SIONAL TO DETERMINE WHETHER THE APPLICANT'S MEDICAL OR MENTAL  
26 CONDITION SUBSTANTIALLY LIMITS 1 OR MORE OF THE MAJOR LIFE  
27 ACTIVITIES OF THE INDIVIDUAL. IF THE PHYSICIAN RESPONDS

1 AFFIRMATIVELY, THE INDIVIDUAL SHALL BE CONSIDERED ELIGIBLE FOR  
2 PROGRAM BENEFITS.

3 SEC. 55G. APPLICANTS FOR THE PROGRAM SHALL BE CONSIDERED  
4 NEEDY IF THEY MEET ALL OF THE FOLLOWING:

5 (A) POSSESS LIQUID ASSETS OF NOT MORE THAN \$250.00.

6 (B) OWN NOT MORE THAN 1 AUTOMOBILE, WITH AN EQUITY VALUE OF  
7 \$1,500.00 OR LESS.

8 (C) EARN A MONTHLY INCOME THAT IS LESS THAN THE PAYMENT  
9 STANDARDS ESTABLISHED BY THE DEPARTMENT IN RULES.