



# HOUSE BILL No. 4855

June 15, 1993, Introduced by Reps. Olshove, Alley, Rivers, Willard, Shepich, Pitoniak and Barns and referred to the Committee on Human Services and Children.

A bill to amend section 109c of Act No. 280 of the Public Acts of 1939, entitled as amended

"The social welfare act,"

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:**

1 Section 1. Section 109c of Act No. 280 of the Public Acts  
2 of 1939, as added by Act No. 410 of the Public Acts of 1988,  
3 being section 400.109c of the Michigan Compiled Laws, is amended  
4 to read as follows:

5 Sec. 109c. (1) The state department shall include, as part  
6 of its program of medical services under this act, home or  
7 community-based services to eligible persons whom the state  
8 department determines would otherwise require nursing home  
9 services or similar institutional care services under

1 section 109. The home or community-based services shall be  
2 offered to qualified eligible persons who are receiving inpatient  
3 hospital or nursing home services as an alternative to those  
4 forms of care.

5 (2) The home or community-based services shall include safe-  
6 guards adequate to protect the health and welfare of participat-  
7 ing eligible persons, and shall be provided according to a writ-  
8 ten plan of care for each person. THE SERVICES SHALL INCLUDE, AT  
9 A MINIMUM, ALL OF THE FOLLOWING:

- 10 (A) HOME DELIVERED MEALS.
- 11 (B) CHORE SERVICES.
- 12 (C) HOMEMAKER SERVICES.
- 13 (D) RESPITE CARE.
- 14 (E) PERSONAL CARE.
- 15 (F) ADULT DAY CARE.
- 16 (G) PRIVATE DUTY NURSING.
- 17 (H) MENTAL HEALTH COUNSELING.
- 18 (I) CAREGIVER TRAINING.
- 19 (J) EMERGENCY RESPONSE SYSTEMS.
- 20 (K) HOME MODIFICATION.
- 21 (L) TRANSPORTATION.
- 22 (M) MEDICAL EQUIPMENT AND SUPPLY SERVICES.

23 (3) This section shall be implemented so that the average  
24 per capita expenditure for home or community-based services for  
25 eligible persons receiving those services does not exceed the  
26 estimated average per capita expenditure that would have been  
27 made for those persons had they been receiving nursing home

1 services, inpatient hospital or similar institutional care  
2 services instead.

3 (4) The state department shall seek a waiver necessary to  
4 implement this program from the federal department of health and  
5 human services, as provided in section 1915 of title XIX,  
6 42 U.S.C. 1396n. THE DEPARTMENT SHALL REQUEST ANY MODIFICATIONS  
7 OF THE WAIVER THAT ARE NECESSARY IN ORDER TO EXPAND THE PROGRAM  
8 IN ACCORDANCE WITH SUBSECTION (9).

9 (5) The state department shall establish policy for identi-  
10 fying the rules for persons receiving inpatient hospital or nurs-  
11 ing home services who may qualify for home or community-based  
12 services. The rules shall contain, at a minimum, a listing of  
13 diagnoses and patient conditions to which the option of home or  
14 community-based services may apply, and a procedure to determine  
15 if the person qualifies for home or community-based services.

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

20 (a) The number of persons provided home or community-based  
21 services who would otherwise require inpatient hospital  
22 services. This shall include a description of medical condi-  
23 tions, services provided, and projected cost savings for these  
24 persons.

25 (b) The number of persons provided home or community-based  
26 services ~~under the program authorized by section 109(c)(4)~~ who  
27 would otherwise require nursing home services. This shall

1 include a description of medical conditions, services provided,  
2 and projected cost savings for these persons.

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

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

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

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

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

17 (8) An eligible person who is receiving home or  
18 community-based services under this section, and who is dissatis-  
19 fied with a change in his or her plan of care or a denial of any  
20 home or community-based service, may demand a hearing as provided  
21 in section 9, and subsequently may appeal the hearing decision to  
22 circuit court as provided in section 37.

23 (9) THE STATE DEPARTMENT SHALL EXPAND THE HOME AND  
24 COMMUNITY-BASED SERVICES PROGRAM BY INCREASING THE NUMBER OF  
25 COUNTIES IN WHICH IT IS AVAILABLE, IN CONFORMANCE WITH THIS  
26 SUBSECTION. THE PROGRAM MAY BE LIMITED IN TOTAL COST AND IN THE

1 NUMBER OF RECIPIENTS PER COUNTY WHO MAY RECEIVE SERVICES AT 1  
2 TIME. THE PROGRAM SHALL BE EXPANDED AS FOLLOWS:

3 (A) ONE YEAR AFTER THE EFFECTIVE DATE OF THIS SUBSECTION,  
4 HOME- AND COMMUNITY-BASED SERVICES SHALL BE AVAILABLE TO ELIGIBLE  
5 APPLICANTS IN THOSE COUNTIES THAT, WHEN COMBINED, CONTAIN AT  
6 LEAST 1/3 OF THE POPULATION OF THIS STATE.

7 (B) TWO YEARS AFTER THE EFFECTIVE DATE OF THIS SUBSECTION,  
8 HOME- AND COMMUNITY-BASED SERVICES SHALL BE AVAILABLE TO ELIGIBLE  
9 APPLICANTS IN THOSE COUNTIES THAT, WHEN COMBINED, CONTAIN AT  
10 LEAST 2/3 OF THE POPULATION OF THIS STATE.

11 (C) THREE YEARS AFTER THE EFFECTIVE DATE OF THIS SUBSECTION,  
12 HOME- AND COMMUNITY-BASED SERVICES SHALL BE AVAILABLE TO ELIGIBLE  
13 APPLICANTS ON A STATEWIDE BASIS.

14 (10) THE STATE DEPARTMENT SHALL WORK WITH THE OFFICE OF  
15 SERVICES TO THE AGING IN IMPLEMENTING THE HOME- AND  
16 COMMUNITY-BASED SERVICES PROGRAM, INCLUDING THE PROVISION OF PRE-  
17 ADMISSION SCREENING, CASE MANAGEMENT, AND RECIPIENT ACCESS TO  
18 SERVICES.