

REPRINT

SUBSTITUTE FOR

HOUSE BILL NO. 5484

(As passed the House, September 24, 2002)

(As amended December 11, 2002)

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A bill to amend 1939 PA 280, entitled  
"The social welfare act,"  
(MCL 400.1 to 400.119b) by adding section 18e.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

- 1        SEC. 18E. (1) THE FAMILY INDEPENDENCE AGENCY SHALL ESTABLISH  
2        AND ADMINISTER A STATE PLAN FOR FOSTER CARE ACCORDING TO THE PRO-  
3        VISIONS OF SECTION 477 OF PART E OF TITLE IV OF THE SOCIAL SECUR-  
4        ITY ACT, 42 U.S.C. 677. THE STATE PLAN SHALL INCLUDE PROGRAMS  
5        AND SERVICES THAT PROMOTE, IMPLEMENT, AND SUPPORT FOSTER CARE  
6        YOUTH FOCUS GROUPS TO PROVIDE CONSULTATION AND INPUT INTO FOSTER  
7        CARE POLICY. PROGRAMS AND SERVICES ESTABLISHED WITHIN THE STATE  
8        PLAN TO CARRY OUT THE PROVISIONS OF THIS SECTION MAY UTILIZE  
9        LOCALLY-BASED FOSTER CARE YOUTH FOCUS GROUPS THAT MAY INCLUDE  
10       YOUTH IN FOSTER CARE, YOUTH PREVIOUSLY IN FOSTER CARE, OR BOTH.  
      (2) THE DEPARTMENT OF COMMUNITY HEALTH SHALL PROMULGATE RULES  
      PURSUANT TO THE ADMINISTRATIVE PROCEDURES ACT OF 1969. ACT NO. 306 OF THE  
      PUBLIC ACTS OF 1969. BEING SECTIONS 24.201 TO 24.328 OF THE MICHIGAN  
      COMPILED LAWS. TO IMPLEMENT THE ESTATE RECOVERY PROGRAM REQUIRED BY  
      SECTION 1917 OF THE SOCIAL SECURITY ACT. 42 U.S.C. 1396p. THE RULES  
      SHALL INCLUDE. AT A MINIMUM. ALL OF THE FOLLOWING:  
      (A) PROCEDURES AND STANDARDS FOR WAIVING RECOVERY BASED ON UNDUE  
      HARDSHIP.  
      (B) PROCEDURES FOR THE ATTACHMENT AND ENFORCEMENT OF LIENS.  
      (C) STANDARDS FOR WAIVING RECOVERY BASED ON COST-EFFECTIVENESS.  
      THESE STANDARDS SHALL INCLUDE THE DOLLAR VALUE OF ESTATES AND OF MEDICAL  
      BENEFITS RECEIVED BELOW WHICH RECOVERY SHALL NOT BE PURSUED.

2)

(3) FUNDS RECEIVED UNDER THE ESTATE RECOVERY PROGRAM DESCRIBED IN  
(2) SHALL BE FIRST USED TO OFFSET THE COSTS OF OPERATING THE ESTATE  
RECOVERY PROGRAM. WITH THE REMAINING FUNDS DEPOSITED IN THE MEDICAID  
BENEFITS TRUST FUND THAT WAS CREATED PURSUANT TO ACT NO. 489 OF THE  
PUBLIC ACTS OF 2000, BEING SECTIONS 12.252 TO 12.256 OF THE MICHIGAN  
COMPILED LAWS.