

SENATE BILL No. 1131

March 14, 2006, Introduced by Senators JACOBS and HARDIMAN and referred to the Committee on Families and Human Services.

A bill to amend 1939 PA 280, entitled
"The social welfare act,"
by amending section 44 (MCL 400.44), as amended by 1990 PA 270.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 44. (1) The state department shall pay a fee to an
2 attorney or other competent professional who represents a person in
3 obtaining benefits from the ~~federal~~ social security
4 administration in a proceeding establishing retroactive benefits
5 for that person under the supplemental security income for the
6 aged, blind, and disabled program ~~—~~ **OF** title XVI. ~~of the social~~
7 ~~security act, 42 U.S.C. 1381 to 1383e.~~ The department shall pay a
8 fee under this section only if the proceeding results in direct
9 reimbursement to the department of interim assistance paid to the

1 person for the period covered by the award. Direct reimbursement
2 means a lump sum payment to the department from the social security
3 administration or from the person who received the interim
4 assistance. A fee shall not be paid under this section for a
5 reimbursement that results from an initial determination only, and
6 a fee paid shall not exceed the amount of interim assistance
7 reimbursed to the state ~~pursuant to~~ **UNDER** that proceeding. **A FEE**
8 **SHALL NOT BE PAID UNDER THIS SECTION IF THE SOCIAL SECURITY**
9 **ADMINISTRATION OR THE PERSON APPLYING FOR BENEFITS HAS PAID A FEE**
10 **RELATED TO HIS OR HER TITLE XVI CLAIM.** The fee paid by the state
11 under this section in any individual proceeding shall be determined
12 based on the amount billed and the amount of reimbursed interim
13 assistance. If the reimbursement for interim assistance is \$500.00
14 or less, the fee shall be the lesser of the amount billed or the
15 amount reimbursed to the department. If the reimbursement for
16 interim assistance is \$500.01 to \$2,000.00, the fee shall be the
17 lesser of the amount billed or \$500.00. If the reimbursement for
18 interim assistance exceeds \$2,000.00, the fee shall be the lesser
19 of the amount billed or 25% of the reimbursement. **AN ATTORNEY OR**
20 **REPRESENTATIVE REQUESTING A FEE UNDER THIS SECTION SHALL TAKE ALL**
21 **THE NECESSARY STEPS TO BECOME ELIGIBLE FOR PAYMENTS BY THE SOCIAL**
22 **SECURITY ADMINISTRATION UNDER THE TITLE XVI CLAIM. A FEE SHALL NOT**
23 **BE PAID UNDER THIS SECTION IF THE PERSON APPLYING FOR BENEFITS HAS**
24 **PAID A FEE OR THE ATTORNEY OR REPRESENTATIVE IS ELIGIBLE FOR THE**
25 **SOCIAL SECURITY ADMINISTRATION TO PAY A FEE RELATED TO THE PERSON'S**
26 **TITLE XVI CLAIM.** A fee paid under this section shall constitute
27 full payment for services rendered.

1 (2) As used in this section:

2 (a) "Interim assistance" means general assistance paid to a
3 person during the period covered by the award.

4 (b) "Other competent professional" means a person who has
5 demonstrated a professional competence in, and a working knowledge
6 of, social security law and regulations under titles II and XVI ~~of~~
7 ~~the social security act,~~ and who is trained to represent ~~persons~~
8 **A PERSON** in ~~appeals~~ **AN APPEAL** before the social security
9 administration.

10 (c) "TITLE II" MEANS TITLE II OF THE SOCIAL SECURITY ACT, 42
11 USC 401 TO 434.