

# HOUSE BILL No. 4118

January 29, 2013, Introduced by Reps. Farrington, Rogers, Glardon, Yonker, Poleski, Shirkey, Price, Johnson, Forlini, Lund, Rendon, Jenkins, Cotter, O'Brien, McBroom, Graves, Outman, Heise, Hooker, Kurtz, Lauwers, Daley, Kowall, Somerville, Kelly, Pettalia and Franz and referred to the Committee on Families, Children, and Seniors.

A bill to amend 1939 PA 280, entitled  
"The social welfare act,"  
(MCL 400.1 to 400.119b) by adding section 57y.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1        SEC. 57Y. (1) THE DEPARTMENT SHALL ESTABLISH AND ADMINISTER A  
2        PROGRAM OF SUSPICION-BASED SUBSTANCE ABUSE SCREENING AND TESTING  
3        FOR FAMILY INDEPENDENCE PROGRAM APPLICANTS AND RECIPIENTS AS  
4        DESCRIBED IN THIS SECTION.

5        (2) NOT LATER THAN JANUARY 1, 2014, THE DEPARTMENT SHALL  
6        ADMINISTER SUSPICION-BASED SUBSTANCE ABUSE SCREENING AND TESTING  
7        FOR FAMILY INDEPENDENCE PROGRAM APPLICANTS AND RECIPIENTS IN 3 OR  
8        MORE COUNTIES IN THIS STATE. THE DEPARTMENT SHALL DETERMINE WHICH 3  
9        OR MORE COUNTIES SHALL BEGIN THE INITIAL ADMINISTRATION OF THE  
10        SUSPICION-BASED SUBSTANCE ABUSE SCREENING AND TESTING REQUIRED IN  
11        THIS SUBSECTION.

1           (3) NOT LATER THAN JANUARY 1, 2015, THE DEPARTMENT SHALL  
2 ADMINISTER SUSPICION-BASED SUBSTANCE ABUSE SCREENING AND TESTING  
3 FOR FAMILY INDEPENDENCE PROGRAM APPLICANTS AND RECIPIENTS IN 1/2 OF  
4 THE COUNTIES IN THIS STATE. THE DEPARTMENT SHALL DETERMINE WHICH  
5 COUNTIES SHALL BEGIN ADMINISTERING SUSPICION-BASED SUBSTANCE ABUSE  
6 SCREENING AND TESTING ON JANUARY 1, 2015.

7           (4) NOT LATER THAN JANUARY 1, 2016, THE DEPARTMENT SHALL  
8 ADMINISTER SUSPICION-BASED SUBSTANCE ABUSE SCREENING AND TESTING  
9 FOR FAMILY INDEPENDENCE PROGRAM APPLICANTS AND RECIPIENTS IN ALL OF  
10 THE COUNTIES OF THIS STATE.

11           (5) THE DEPARTMENT SHALL ADMINISTER SUSPICION-BASED SUBSTANCE  
12 ABUSE SCREENING AND TESTING REQUIRED UNDER THIS SECTION BY DOING  
13 EITHER OF THE FOLLOWING:

14           (A) THE DEPARTMENT SHALL DEVELOP AND ADMINISTER A SUBSTANCE  
15 ABUSE SURVEY THAT SHALL BE USED UPON INITIAL APPLICATION FOR FAMILY  
16 INDEPENDENCE PROGRAM APPLICANTS AND AT ANNUAL REDETERMINATION FOR  
17 FAMILY INDEPENDENCE PROGRAM RECIPIENTS.

18           (B) UPON INITIAL APPLICATION AND AT ANNUAL REDETERMINATION,  
19 THE DEPARTMENT SHALL SCREEN FAMILY INDEPENDENCE PROGRAM APPLICANTS  
20 AND RECIPIENTS FOR SUSPICION OF SUBSTANCE ABUSE USING AN  
21 EMPIRICALLY VALIDATED SUBSTANCE ABUSE SCREENING TOOL.

22           (6) IF THE RESULTS OF THE SUBSTANCE ABUSE SCREENING GIVES THE  
23 DEPARTMENT A REASONABLE SUSPICION TO BELIEVE THAT THE APPLICANT OR  
24 RECIPIENT HAS ENGAGED IN THE ILLEGAL USE OF A CONTROLLED SUBSTANCE,  
25 THE APPLICANT OR RECIPIENT IS REQUIRED TO TAKE A SUBSTANCE ABUSE  
26 TEST. IF THE APPLICANT OR RECIPIENT REFUSES TO TAKE A SUBSTANCE  
27 ABUSE TEST, HE OR SHE IS INELIGIBLE FOR FAMILY INDEPENDENCE PROGRAM

1 ASSISTANCE, BUT MAY REAPPLY AFTER 6 MONTHS, SUBJECT TO ANOTHER  
2 SUBSTANCE ABUSE SCREENING AS REQUIRED IN THIS SECTION. THE  
3 APPLICANT OR RECIPIENT MUST TEST NEGATIVE FOR ILLEGAL USE OF A  
4 CONTROLLED SUBSTANCE IN ORDER TO RECEIVE FAMILY INDEPENDENCE  
5 PROGRAM ASSISTANCE.

6 (7) IF THE APPLICANT OR RECIPIENT TESTS POSITIVE FOR ILLEGAL  
7 USE OF A CONTROLLED SUBSTANCE, HE OR SHE MAY CHOOSE TO PROCEED IN 1  
8 OF THE FOLLOWING WAYS:

9 (A) HE OR SHE WILL BE INELIGIBLE FOR FAMILY INDEPENDENCE  
10 PROGRAM ASSISTANCE, BUT MAY REAPPLY AFTER 6 MONTHS, SUBJECT TO  
11 ANOTHER SUBSTANCE ABUSE SCREENING AS REQUIRED IN THIS SECTION. THE  
12 APPLICANT OR RECIPIENT MUST TEST NEGATIVE FOR ILLEGAL USE OF A  
13 CONTROLLED SUBSTANCE IN ORDER TO RECEIVE FAMILY INDEPENDENCE  
14 PROGRAM ASSISTANCE.

15 (B) HE OR SHE SHALL ENROLL IN A SUBSTANCE ABUSE TREATMENT  
16 PROGRAM. DURING PARTICIPATION IN THE SUBSTANCE ABUSE TREATMENT  
17 PROGRAM REQUIRED UNDER THIS SUBDIVISION, THE APPLICANT OR RECIPIENT  
18 IS INELIGIBLE TO RECEIVE FAMILY INDEPENDENCE PROGRAM ASSISTANCE.  
19 THE APPLICANT OR RECIPIENT SHALL SIGN A RELEASE TO AUTHORIZE THE  
20 SUBSTANCE ABUSE TREATMENT COUNSELOR TO COMMUNICATE WITH THE  
21 DEPARTMENT REGARDING THE APPLICANT'S OR RECIPIENT'S PROGRESS IN THE  
22 SUBSTANCE ABUSE TREATMENT PROGRAM. AFTER 90 DAYS IN THE SUBSTANCE  
23 ABUSE TREATMENT PROGRAM, UPON APPROVAL FROM THE DEPARTMENT, THE  
24 APPLICANT OR RECIPIENT MAY RETAKE THE SUBSTANCE ABUSE TEST. IF HE  
25 OR SHE TESTS NEGATIVE FOR ILLEGAL USE OF A CONTROLLED SUBSTANCE AND  
26 MEETS ALL OTHER ELIGIBILITY REQUIREMENTS, HE OR SHE IS ELIGIBLE TO  
27 RECEIVE FAMILY INDEPENDENCE PROGRAM ASSISTANCE. IF, AFTER 90 DAYS,

1 HE OR SHE IS NOT FOLLOWING THE TREATMENT PLAN, HE OR SHE MAY NOT  
2 RETAKE THE SUBSTANCE ABUSE TEST FOR 6 MONTHS. IF, AT ANY TIME AFTER  
3 PARTICIPATING IN THE SUBSTANCE ABUSE TREATMENT PROGRAM, THE  
4 APPLICANT OR RECIPIENT TESTS POSITIVE FOR ILLEGAL USE OF A  
5 CONTROLLED SUBSTANCE, HE OR SHE REMAINS INELIGIBLE TO RECEIVE  
6 FAMILY INDEPENDENCE PROGRAM ASSISTANCE AND WILL NOT BE ALLOWED TO  
7 REAPPLY AND RETAKE A SUBSTANCE ABUSE TEST FOR FAMILY INDEPENDENCE  
8 PROGRAM ASSISTANCE FOR 12 MONTHS.

9 (8) IF AN APPLICANT TESTS NEGATIVE FOR ILLEGAL USE OF A  
10 CONTROLLED SUBSTANCE AND MEETS ALL THE OTHER ELIGIBILITY  
11 REQUIREMENTS FOR THE FAMILY INDEPENDENCE PROGRAM, THE COST OF  
12 ADMINISTERING THE SUBSTANCE ABUSE TEST TO THE APPLICANT SHALL BE  
13 DEDUCTED FROM HIS OR HER FIRST FAMILY INDEPENDENCE PROGRAM  
14 ASSISTANCE PAYMENT. IF A RECIPIENT TESTS NEGATIVE FOR ILLEGAL USE  
15 OF A CONTROLLED SUBSTANCE AND MEETS ALL THE OTHER ELIGIBILITY  
16 REQUIREMENTS FOR THE FAMILY INDEPENDENCE PROGRAM AT AN ANNUAL  
17 REDETERMINATION BY THE DEPARTMENT, THE COST OF ADMINISTERING THE  
18 SUBSTANCE ABUSE TEST TO THE RECIPIENT SHALL BE DEDUCTED FROM HIS OR  
19 HER FIRST FAMILY INDEPENDENCE PROGRAM ASSISTANCE PAYMENT AFTER THE  
20 ANNUAL REDETERMINATION.

21 (9) IF, UPON REAPPLYING FOR FAMILY INDEPENDENCE PROGRAM  
22 ASSISTANCE, AN APPLICANT OR RECIPIENT WHO PREVIOUSLY TESTED  
23 POSITIVE AS DESCRIBED IN SUBSECTION (7) TESTS POSITIVE AGAIN OR  
24 REFUSES TO TAKE A SUBSEQUENT SUBSTANCE ABUSE TEST, THE APPLICANT OR  
25 RECIPIENT IS INELIGIBLE FOR FAMILY INDEPENDENCE PROGRAM BENEFITS  
26 FOR 12 MONTHS.

27 (10) BEFORE IMPLEMENTING THE PROVISIONS OF SUBSECTIONS (3) AND

(4), AND ANNUALLY AFTER THE PROGRAM HAS BEEN FULLY IMPLEMENTED, THE DEPARTMENT SHALL SUBMIT A REPORT TO THE LEGISLATURE THAT INCLUDES, AT LEAST, ALL OF THE FOLLOWING:

(A) THE NUMBER OF INDIVIDUALS SCREENED.

(B) THE NUMBER OF INDIVIDUALS SCREENED FOR WHOM THERE WAS A REASONABLE SUSPICION OF ILLEGAL USE OF A CONTROLLED SUBSTANCE.

(C) THE NUMBER OF INDIVIDUALS WHO CONSENTED TO SUBMITTING TO A SUBSTANCE ABUSE TEST.

(D) THE NUMBER OF INDIVIDUALS WHO REFUSED TO SUBMIT TO A SUBSTANCE ABUSE TEST.

(E) THE NUMBER OF INDIVIDUALS WHO SUBMITTED TO A SUBSTANCE ABUSE TEST WHO TESTED POSITIVE FOR ILLEGAL USE OF A CONTROLLED SUBSTANCE.

(F) THE NUMBER OF INDIVIDUALS WHO SUBMITTED TO A SUBSTANCE ABUSE TEST WHO TESTED NEGATIVE FOR ILLEGAL USE OF A CONTROLLED SUBSTANCE.

(G) THE NUMBER OF INDIVIDUALS WHO TESTED POSITIVE FOR ILLEGAL USE OF A CONTROLLED SUBSTANCE FOR A SECOND OR SUBSEQUENT TIME.

(H) THE AMOUNT OF THE COSTS INCURRED BY THE DEPARTMENT FOR ADMINISTERING THE PROGRAM.

(11) ALL INFORMATION, INTERVIEWS, REPORTS, STATEMENTS, MEMORANDA, AND SUBSTANCE ABUSE TEST RESULTS, WRITTEN OR OTHERWISE, RECEIVED BY THE DEPARTMENT THROUGH A SUBSTANCE ABUSE SCREENING OR TESTING PROGRAM REQUIRED UNDER THIS SECTION ARE CONFIDENTIAL COMMUNICATIONS SUBJECT TO THE PRIVACY PROTECTIONS UNDER THE HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996, PUBLIC LAW 104-191, AND MAY NOT BE USED OR RECEIVED IN EVIDENCE, OBTAINED IN

1 DISCOVERY OR DISCLOSED IN ANY PUBLIC OR PRIVATE PROCEEDINGS, EXCEPT  
2 IN ACCORDANCE WITH THIS SECTION OR IN DETERMINING ELIGIBILITY UNDER  
3 THIS ACT.

4 (12) FOR THE PURPOSES OF THIS SECTION ONLY, AN APPLICANT OR  
5 RECIPIENT IS AN INDIVIDUAL WHO IS 18 YEARS OF AGE OR OLDER.

6 (13) AS USED IN THIS SECTION, "CONTROLLED SUBSTANCE" MEANS  
7 THAT TERM AS DEFINED IN SECTION 7104 OF THE PUBLIC HEALTH CODE,  
8 1978 PA 368, MCL 333.7104.