

# SENATE BILL No. 811

February 20, 2014, Introduced by Senators MOOLENAAR, WARREN, MARLEAU, CASWELL, ROBERTSON, SCHUITMAKER, CASPERSON, ROCCA, ANDERSON, COLBECK, JANSEN, HOPGOOD, JONES, WHITMER, ANANICH, HANSEN, NOFS, PAPPAGEORGE, EMMONS, BIEDA, HILDENBRAND, KOWALL and JOHNSON and referred to the Committee on Health Policy.

A bill to amend 1981 PA 180, entitled "Older Michiganians act," by amending section 6 (MCL 400.586), as amended by 1987 PA 35.

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

1           Sec. 6. The office of services to the aging shall do all of  
2 the following:

3           (a) Serve as a visible and effective advocate for aging and  
4 older persons.

5           (b) Function as the single state agency within this state to  
6 supervise and administer the state plan required by the older  
7 Americans act of 1965, 42 U.S.C.—~~USC~~ 3001 to ~~3058d~~**3058FF**.

8           (c) Be primarily responsible for the coordination of all state  
9 activities related to the purposes of this act.

10           (d) Cooperate with agencies of the state and federal  
11 government and receive funds for any purpose authorized by the

SENATE BILL No. 811

1 legislature.

2 (e) Make necessary contracts incidental to the performance of  
3 its duties and the execution of its policies.

4 (f) Provide technical assistance to state and local agencies  
5 for the purposes of planning, program development, administration,  
6 and evaluation; and encourage, promote, and aid in the  
7 establishment of services for aging and older persons.

8 (g) Collect, analyze, and disseminate data concerning services  
9 which affect aging and older persons.

10 (h) Establish an educational and public information program to  
11 foster public understanding of the problems and opportunities of  
12 aging and older persons; provide information on programs available  
13 to assist older persons; and encourage the development of private  
14 and public community programs to improve the status of older  
15 persons.

16 (i) Evaluate the effect of federal and state statutes on aging  
17 and older persons and recommend to the governor and the legislature  
18 appropriate changes.

19 (j) Evaluate, in cooperation with appropriate state  
20 departments and agencies, the effectiveness of public and private  
21 policies ~~which~~**THAT** affect older persons in the state and ~~which~~  
22 **THAT** are funded by federal, state, local, and private resources,  
23 including services ~~which~~**THAT** provide a comprehensive and  
24 integrated system of health and social services ~~which~~**THAT** respond  
25 to individual needs.

26 (k) Supervise, monitor, assess, evaluate, and provide  
27 technical assistance to area agencies on aging, and other agencies

1 receiving funds from the office, in meeting specified objectives.

2 (l) Make recommendations to the governor and the legislature on  
3 budget and grant requests for programs for aging and older persons.

4 (m) Participate in the development of the annual report of  
5 services that is required to be submitted to the department of  
6 health and human services under section 2004 of Title XX of the  
7 social security act, 42 ~~U.S.C.~~ **USC** 1397c, and provide  
8 recommendations to the governor on the components of the plan ~~which~~  
9 **THAT** relate to services to aging and older persons.

10 (n) Develop a comprehensive triennial state plan on aging with  
11 yearly updates regarding the priority needs of aging and older  
12 persons, as well as recommendations for future action. The office  
13 shall prepare an annual report to be submitted to the governor and  
14 the legislature by January 31 of each year. The annual report shall  
15 detail the progress of the office and the commission in  
16 implementing the triennial plan.

17 (o) Establish an appeals procedure, subject to approval by the  
18 commission, the applicability of which shall not be limited to  
19 denials of funding.

20 (p) Serve as a clearinghouse for the collection and  
21 distribution of information on aging and older persons.

22 (q) Establish demonstration programs for services to the aging  
23 and older persons in selected communities in the state. Particular  
24 emphasis shall be given to services designed to foster continued  
25 participation of older persons in family and community life and to  
26 prevent as nearly as possible unnecessary institutionalization of  
27 older persons. The programs shall be established to demonstrate and

1 test their effectiveness, to stimulate continued support for them,  
2 and to create new services, using federal, state, local, or private  
3 funds and resources.

4 (r) Function as the state agency for voluntary services for,  
5 and provided by, older persons. The office shall do all of the  
6 following:

7 (i) Be designated as the state agency for coordination and  
8 development of foster grandparent and senior companion programs.  
9 The office is authorized: to receive and allocate funds from  
10 federal, state, and other sources for foster grandparent and senior  
11 companion programs; to negotiate waivers with the federal agency  
12 responsible for administering foster grandparent and senior  
13 companion programs and funds; and, in cases where federal foster  
14 grandparent and senior companion programs cannot be modified, to  
15 institute policies and rule variations with subprograms of foster  
16 grandparent and senior companion programs distinctly established  
17 through the use of state funds. Administrative agencies established  
18 before October 6, 1976, to develop and administer foster  
19 grandparent and senior companion programs are continued under this  
20 act ~~pursuant~~ **ACCORDING** to contracts initiated with the federal  
21 government. This subparagraph ~~shall~~ **DOES** not be ~~construed to~~  
22 prohibit the termination of a grantee for cause. Expansion of  
23 foster grandparent and senior companion programs shall be  
24 administered under existing programs where feasible. Other state  
25 and local governmental agencies serving children, youth, and  
26 ~~mentally retarded~~ **DEVELOPMENTALLY DISABLED** persons in need of  
27 protective care and treatment in institutional and community

1 settings shall cooperate with the office in the development and  
2 administration of voluntary services for, and provided by, aging  
3 and older persons. The office may negotiate with the federal  
4 administration to obtain the same nontaxable status for state  
5 funded foster grandparent and senior companion stipends as that  
6 given to participants in the federal program.

7 (ii) Be designated as the state agency for coordination and  
8 development of retired senior volunteer programs. The office is  
9 authorized: to receive and allocate funds from federal, state, and  
10 other sources for retired senior volunteer programs; to negotiate  
11 waiver of rules with the federal agency responsible for  
12 administering retired senior volunteer programs and funds; and, in  
13 cases where federal retired senior volunteer programs cannot be  
14 modified, to institute policies and rule variations with  
15 subprograms of retired senior volunteer programs distinctly  
16 established through the use of state funds. Administrative agencies  
17 established before October 1, 1978, to develop and administer  
18 retired senior volunteer programs are continued under this act  
19 ~~pursuant~~ **ACCORDING** to contracts initiated with the federal  
20 government. Nothing in this subparagraph ~~shall be construed to~~  
21 ~~prohibit~~ **PROHIBITS** the termination of a grantee for cause.  
22 Expansion of retired senior volunteer programs shall be  
23 administered under existing programs where feasible. Other state  
24 and local governmental agencies shall cooperate with the office in  
25 the development and administration of voluntary services for, and  
26 provided by, aging and older persons.

27 (s) Establish, evaluate, and improve opportunities for aging

1 and older persons to provide volunteer services.

2 (t) Pursue and receive on behalf of the state any grant or  
3 gift and accept any grant or gift so that the title passes to the  
4 state. All grants and gifts shall be deposited with the state  
5 treasurer and used for the purposes set forth in the grant or the  
6 gift if the purposes are within the powers conferred on the office  
7 and the use is approved by the legislature. If the use is not  
8 approved, the grant or gift shall revert to the donor, or the  
9 donor's administrator or assigns.

10 (u) Train and assign staff who shall institute food delivery  
11 systems, inform older persons of the delivery systems, and train  
12 older persons to operate the food delivery systems. The office  
13 shall also do all of the following:

14 (i) Develop means to reduce the cost of food to older persons  
15 and increase the nutritional adequacy of food purchased and  
16 consumed.

17 (ii) Provide technical assistance to local clubs, groups, or  
18 organizations of older persons for the development of buying clubs,  
19 food cooperatives, or shopping assistance programs; provide  
20 education in purchase and preparation of foods; and encourage  
21 retail grocers to package raw food in meal-size portions.

22 (iii) Provide ongoing assistance until the individual projects  
23 become self-sufficient.

24 (iv) Coordinate and develop efforts in conjunction with those  
25 of other state or local public or private agencies such as the  
26 cooperative extension services, public health agencies, senior  
27 nutrition projects, the department of ~~social~~**HUMAN** services, the

1 retail grocers association, the department of agriculture **AND RURAL**  
2 **DEVELOPMENT**, and others considered appropriate by the office.

3 (v) Provide in its annual report to the governor and the  
4 legislature under subdivision (n), a report on the effect of the  
5 programs.

6 (vi) Provide trained personnel, technical assistance, and  
7 coordination with other state agencies.

8 (v) Function as the administrator of employment programs and  
9 related services for, and provided by, older persons. The office  
10 shall encourage the employment of older persons in government  
11 agencies and private organizations.

12 (w) Subject to ~~Act No. 370 of the Public Acts of 1941, as~~  
13 ~~amended, being sections 38.401 to 38.428 of the Michigan Compiled~~  
14 ~~Laws, 1941 PA 370, MCL 38.401 TO 38.428~~, and the rules of the state  
15 civil service commission, ensure that preference is given to older  
16 persons in employment by the office and all recipients of funds  
17 from the office.

18 (x) Encourage the development of preretirement and  
19 postretirement programs for older persons.

20 (y) Develop, in consultation with the various components of  
21 the aging network, basic core needs assessment and evaluation  
22 instruments. The office shall provide technical assistance to aid  
23 local organizations in augmenting these core instruments.

24 (z) Provide adequate and effective opportunities for older  
25 persons to express their views on policy development and program  
26 implementation.

27 (aa) Establish a long-term care ombudsman program consisting

1 of a state long-term care ombudsman and a system of local or  
2 regional ombudsman offices having the duties and powers described  
3 in section 6g. The local or regional ombudsman programs shall be  
4 funded through area agencies on aging.