

Act No. 78
Public Acts of 2014
Approved by the Governor
March 28, 2014
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**STATE OF MICHIGAN
97TH LEGISLATURE
REGULAR SESSION OF 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

ENROLLED SENATE BILL No. 811

AN ACT to amend 1981 PA 180, entitled "An act to create a commission on services to the aging within the executive office of the governor; to create an office of services to the aging as an autonomous entity within the department of management and budget; to authorize the designation of area agencies on services to the aging and to prescribe their powers and duties; to establish certain programs relating to older persons; to prescribe the powers and duties of certain state departments, officers, and agencies; to create funds; to provide penalties; to repeal certain acts and parts of acts; and to repeal certain parts of this act on specific dates," by amending section 6 (MCL 400.586), as amended by 1987 PA 35.

The People of the State of Michigan enact:

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

- (a) Serve as a visible and effective advocate for aging and older persons.
- (b) Function as the single state agency within this state to supervise and administer the state plan required by the older Americans act of 1965, 42 USC 3001 to 3058ff.
- (c) Be primarily responsible for the coordination of all state activities related to the purposes of this act.
- (d) Cooperate with agencies of the state and federal government and receive funds for any purpose authorized by the legislature.
- (e) Make necessary contracts incidental to the performance of its duties and the execution of its policies.
- (f) Provide technical assistance to state and local agencies for the purposes of planning, program development, administration, and evaluation; and encourage, promote, and aid in the establishment of services for aging and older persons.
- (g) Collect, analyze, and disseminate data concerning services which affect aging and older persons.
- (h) Establish an educational and public information program to foster public understanding of the problems and opportunities of aging and older persons; provide information on programs available to assist older persons; and encourage the development of private and public community programs to improve the status of older persons.
- (i) Evaluate the effect of federal and state statutes on aging and older persons and recommend to the governor and the legislature appropriate changes.
- (j) Evaluate, in cooperation with appropriate state departments and agencies, the effectiveness of public and private policies that affect older persons in the state and that are funded by federal, state, local, and private resources, including services that provide a comprehensive and integrated system of health and social services that respond to individual needs.

(k) Supervise, monitor, assess, evaluate, and provide technical assistance to area agencies on aging, and other agencies receiving funds from the office, in meeting specified objectives.

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

(m) Participate in the development of the annual report of services that is required to be submitted to the department of health and human services under section 2004 of Title XX of the social security act, 42 USC 1397c, and provide recommendations to the governor on the components of the plan that relate to services to aging and older persons.

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

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

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

(q) Establish demonstration programs for services to the aging and older persons in selected communities in the state. Particular emphasis shall be given to services designed to foster continued participation of older persons in family and community life and to prevent as nearly as possible unnecessary institutionalization of older persons. The programs shall be established to demonstrate and test their effectiveness, to stimulate continued support for them, and to create new services, using federal, state, local, or private funds and resources.

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

(i) Be designated as the state agency for coordination and development of foster grandparent and senior companion programs. The office is authorized: to receive and allocate funds from federal, state, and other sources for foster grandparent and senior companion programs; to negotiate waivers with the federal agency responsible for administering foster grandparent and senior companion programs and funds; and, in cases where federal foster grandparent and senior companion programs cannot be modified, to institute policies and rule variations with subprograms of foster grandparent and senior companion programs distinctly established through the use of state funds. Administrative agencies established before October 6, 1976, to develop and administer foster grandparent and senior companion programs are continued under this act according to contracts initiated with the federal government. This subparagraph does not prohibit the termination of a grantee for cause. Expansion of foster grandparent and senior companion programs shall be administered under existing programs where feasible. Other state and local governmental agencies serving children, youth, and developmentally disabled persons in need of protective care and treatment in institutional and community settings shall cooperate with the office in the development and administration of voluntary services for, and provided by, aging and older persons. The office may negotiate with the federal administration to obtain the same nontaxable status for state funded foster grandparent and senior companion stipends as that given to participants in the federal program.

(ii) Be designated as the state agency for coordination and development of retired senior volunteer programs. The office is authorized: to receive and allocate funds from federal, state, and other sources for retired senior volunteer programs; to negotiate waiver of rules with the federal agency responsible for administering retired senior volunteer programs and funds; and, in cases where federal retired senior volunteer programs cannot be modified, to institute policies and rule variations with subprograms of retired senior volunteer programs distinctly established through the use of state funds. Administrative agencies established before October 1, 1978, to develop and administer retired senior volunteer programs are continued under this act according to contracts initiated with the federal government. Nothing in this subparagraph prohibits the termination of a grantee for cause. Expansion of retired senior volunteer programs shall be administered under existing programs where feasible. Other state and local governmental agencies shall cooperate with the office in the development and administration of voluntary services for, and provided by, aging and older persons.

(s) Establish, evaluate, and improve opportunities for aging and older persons to provide volunteer services.

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

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

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

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

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

(iv) Coordinate and develop efforts in conjunction with those of other state or local public or private agencies such as the cooperative extension services, public health agencies, senior nutrition projects, the department of human services, the retail grocers association, the department of agriculture and rural development, and others considered appropriate by the office.

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

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

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

(w) Subject to 1941 PA 370, MCL 38.401 to 38.428, and the rules of the state civil service commission, ensure that preference is given to older persons in employment by the office and all recipients of funds from the office.

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

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

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

(aa) Establish a long-term care ombudsman program consisting of a state long-term care ombudsman and a system of local or regional ombudsman offices having the duties and powers described in section 6g. The local or regional ombudsman programs shall be funded through area agencies on aging.

This act is ordered to take immediate effect.

Carol Morey Viventi

Secretary of the Senate

Sam E. Randall

Clerk of the House of Representatives

Approved

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Governor