

HOUSE BILL No. 4994

September 20, 2017, Introduced by Rep. Kosowski and referred to the Committee on Families, Children, and Seniors.

A bill to amend 1981 PA 180, entitled
"Older Michiganians act,"
by amending sections 2 and 6 (MCL 400.582 and 400.586), section 2
as amended by 1987 PA 35 and section 6 as amended by 2014 PA 78.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. As used in this act:

2 **(A) "AGING AND ADULT SERVICES AGENCY" MEANS THE AGENCY CREATED**
3 **IN EXECUTIVE REORGANIZATION ORDER NO. 2015-1, MCL 400.27, TO ASSUME**
4 **THE AUTHORITY, POWERS, DUTIES, FUNCTIONS, AND RESPONSIBILITIES OF**
5 **THE OFFICE OF SERVICES TO THE AGING.**

6 **(B) ~~(a)~~**"Area agency on aging" means an agency designated by
7 the commission under section ~~4(i)~~.**4(1) (I) .**

8 **(C) ~~(b)~~**"Chief elected official administrative officer" means

1 any of the following:

2 (i) The president of a village.

3 (ii) The mayor of a city.

4 (iii) The supervisor of a township.

5 (iv) The elected county executive or appointed county manager
6 of a county; or if the county has not adopted an optional unified
7 form of county government, the chairperson of the county board of
8 commissioners of the county.

9 (D) ~~(e)~~ "Commission" means the commission on services to the
10 aging established under section 3.

11 (E) ~~(d)~~ "Director" means the director of the ~~office of~~
12 ~~services to the aging~~ **AND ADULT SERVICES AGENCY.**

13 (F) ~~(e)~~ "Long-term care facility" means 1 or more of the
14 following:

15 (i) A home for the aged as defined in section ~~20106(3)~~ **20106**
16 of the public health code, ~~Act No. 368 of the Public Acts of 1978,~~
17 ~~being section 333.20106 of the Michigan Compiled Laws.~~ **1978 PA 368,**
18 **MCL 333.20106.**

19 (ii) An adult foster care facility as defined in section ~~3(4)~~
20 **3** of the adult foster care facility licensing act, ~~Act No. 218 of~~
21 ~~the Public Acts of 1979, being section 400.703 of the Michigan~~
22 ~~Compiled Laws.~~ **1979 PA 218, MCL 400.703.**

23 (iii) A nursing home as defined in section ~~20109(1)~~ **20109** of
24 ~~Act No. 368 of the Public Acts of 1978, being section 333.20109 of~~
25 ~~the Michigan Compiled Laws.~~ **THE PUBLIC HEALTH CODE, 1978 PA 368, MCL**
26 **333.20109.**

27 (iv) A county medical care facility as defined in section

~~20104(4) of Act No. 368 of the Public Acts of 1978, being section~~
~~333.20104 of the Michigan Compiled Laws.~~ **20104 OF THE PUBLIC HEALTH**
CODE, 1978 PA 368, MCL 333.20104.

(v) A hospital long-term care unit as defined in section
~~20106(6) 20106 of Act No. 368 of the Public Acts of 1978.~~ **THE PUBLIC**
HEALTH CODE, 1978 PA 368, MCL 333.20106.

(G) ~~(f)~~ "Office" means the office of services to the aging
created by section 5 **OR ANY SUCCESSOR AGENCY ESTABLISHED TO CARRY**
OUT THE DUTIES OF THIS ACT. A REFERENCE TO OFFICE IN THIS ACT IS A
REFERENCE TO THE AGING AND ADULT SERVICES AGENCY.

(H) ~~(g)~~ "Older person" means a state resident who is 60 years
of age or older, and the spouse of the older person, regardless of
age.

Sec. 6. ~~The office of services to the aging~~ **AND ADULT SERVICES**
AGENCY 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.

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

5 (g) Collect, analyze, and disseminate data concerning services
6 ~~which~~**THAT** affect aging and older persons.

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

13 (i) Evaluate the effect of federal and state statutes on aging
14 and older persons and recommend to the governor and the legislature
15 appropriate changes.

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

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

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

1 (m) Participate in the development of the annual report of
2 services that is required to be submitted to the ~~department of~~
3 ~~health and human services~~ **UNITED STATES DEPARTMENT OF HEALTH AND**
4 **HUMAN SERVICES** under section 2004 of Title XX of the social
5 security act, 42 USC 1397c, and provide recommendations to the
6 governor on the components of the plan that relate to services to
7 aging and older persons.

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

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

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

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

1 and to create new services, using federal, state, local, or private
2 funds and resources.

3 (r) Function as the state agency for voluntary services for,
4 and provided by, older persons. The ~~office~~ **AGING AND ADULT SERVICES**
5 **AGENCY** shall do all of the following:

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

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

7 (ii) Be designated as the state agency for coordination and
8 development of retired senior volunteer programs. The ~~office~~**AGING**
9 **AND ADULT SERVICES AGENCY** is authorized: to receive and allocate
10 funds from federal, state, and other sources for retired senior
11 volunteer programs; to negotiate waiver of rules with the federal
12 agency responsible for administering retired senior volunteer
13 programs and funds; and, in cases where federal retired senior
14 volunteer programs cannot be modified, to institute policies and
15 rule variations with subprograms of retired senior volunteer
16 programs distinctly established through the use of state funds.
17 Administrative agencies established before October 1, 1978, to
18 develop and administer retired senior volunteer programs are
19 continued under this act according to contracts initiated with the
20 federal government. Nothing in this subparagraph prohibits the
21 termination of a grantee for cause. Expansion of retired senior
22 volunteer programs shall be administered under existing programs
23 where feasible. Other state and local governmental agencies shall
24 cooperate with the ~~office~~**AGING AND ADULT SERVICES AGENCY** in the
25 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 **AGING AND ADULT SERVICES AGENCY** and the use is approved by the
8 legislature. If the use is not approved, the grant or gift shall
9 revert to the donor, or the 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 **AGING AND ADULT SERVICES AGENCY** 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 **HEALTH AND** human services,

1 the retail grocers association, the department of agriculture and
2 rural development, and others considered appropriate by the
3 ~~office~~. **AGING AND ADULT SERVICES AGENCY.**

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

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

9 (v) Function as the administrator of employment programs and
10 related services for, and provided by, older persons. The ~~office~~
11 **AGING AND ADULT SERVICES AGENCY** shall encourage the employment of
12 older persons in government agencies and private organizations.

13 (w) Subject to 1941 PA 370, MCL 38.401 to 38.428, and the
14 rules of the state civil service commission, ensure that preference
15 is given to older persons in employment by the ~~office~~ **AGING AND**
16 **ADULT SERVICES AGENCY** and all recipients of funds from the
17 ~~office~~. **AGING AND ADULT SERVICES AGENCY.**

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~~ **AGING AND ADULT SERVICES AGENCY** shall
23 provide technical assistance to aid local organizations in
24 augmenting these core instruments.

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

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

6 (BB) SUBJECT TO APPROPRIATION, CONDUCT A PUBLIC EDUCATION
7 CAMPAIGN THAT EMPHASIZES ZERO TOLERANCE FOR ELDER ABUSE. THE
8 CAMPAIGN SHALL INCLUDE INFORMATION ABOUT THE SIGNS AND SYMPTOMS OF
9 ELDER ABUSE, IDENTIFICATION OF POTENTIAL CAUSES OF ELDER ABUSE,
10 RESOURCES AVAILABLE TO ASSIST IN PREVENTING ELDER ABUSE, WHERE
11 SUSPECTED ELDER ABUSE MAY BE REPORTED, AND CONTACT INFORMATION FOR
12 PROGRAMS OFFERING SERVICES TO VICTIMS OF ELDER ABUSE, INCLUDING,
13 BUT NOT LIMITED TO, COUNSELING AND ASSISTANCE WITH ARRANGING
14 PERSONAL CARE AND SHELTER. THE CAMPAIGN SHALL INCLUDE, BUT NOT BE
15 LIMITED TO, PRINTED EDUCATION AND INFORMATIONAL MATERIALS, AUDIO,
16 VIDEO, ELECTRONIC, OTHER MEDIA, AND PUBLIC SERVICE ANNOUNCEMENTS OR
17 ADVERTISEMENTS.

18 Enacting section 1. This amendatory act takes effect 90 days
19 after the date it is enacted into law.