

Legislative Analysis



FINANCIAL LIABILITY FOR MENTAL HEALTH SERVICES

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<http://www.house.mi.gov/hfa>

House Bill 5165 as reported from committee

Sponsor: Rep. Mary Whiteford

Committee: Health Policy

Complete to 2-4-22

Analysis available at
<http://www.legislature.mi.gov>

(Enacted as Public Act 91 of 2022)

SUMMARY:

House Bill 5165 would amend Chapter 8 (Financial Liability for Mental Health Services) of the Mental Health Code to provide that an adult responsible party's ability to pay for adult inpatient psychiatric services of less than 61 days, all nonresidential services, and all services to minors must be determined in accordance with federal specifications and related guidance.

Currently, this determination is based on the adult responsible party's income in accordance with guidelines prescribed by the act and administrative rules promulgated by the Department of Health and Human Services (DHHS).¹

Under the bill, the ability to pay would be determined in accordance with the requirements of the federal sliding fee discount program.² Eligibility for that program would have to be based solely on family size and income in accordance with the most current federal poverty guidelines.

The bill states that its provisions would take effect immediately. All administrative rules on the topic promulgated before the bill's effective date would be unenforceable. DHHS could promulgate new administrative rules or establish policy, contract requirements, or guidance to carry out the new provisions.

MCL 330.1818

FISCAL IMPACT:

The bill would have a negligible fiscal impact on the state and local units of government.

POSITIONS:

Representatives of the following entities testified in support of the bill (12-1-21):

- Centra Wellness Network
- Lenawee Community Mental Health Authority

¹ See R 330.8239 et seq. of the Michigan Administrative Code:
https://ars.apps.lara.state.mi.us/AdminCode/DownloadAdminCodeFile?FileName=465_10440_AdminCode.pdf&ReturnHTML=True

² See <https://www.govinfo.gov/content/pkg/USCODE-2010-title42/pdf/USCODE-2010-title42-chap6A-subchapII-partD-subpartii-sec254g.pdf>

Representatives of the following entities indicated support for the bill:

- CMH Association of Michigan (12-1-21)
- Michigan Manufacturers Association (12-9-21)
- Michigan Association of Health Plans (12-9-21)
- Blue Cross Blue Shield of Michigan (12-9-21)

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.