

EXECUTIVE REORGANIZATION ORDER (EXCERPT)
E.R.O. No. 2021-2

400.562 Creation of health and aging services administration within department of health and human services; transfer of the commission on services to the aging and the adult community placement program from the aging and adult services agency to the department of health and human services; transfer of powers and duties of the medical services administration and the aging and adult services agency to the health and aging services administration; abolishment of the medical services administration and the aging and adult services agency.

Michigan's population is rapidly aging. Already, residents 50 and older make up 37 percent of the state's population. By 2025 – 10 years ahead of the national projection – Michigan residents 65 and older will outnumber those younger than 18.

Active aging is a life-long process and state government has an important role to play in ensuring that Michigan is a leader among states in healthy and active aging for all. Our Department of Health and Human Services plays a critical role ensuring that services to the aging are delivered holistically and effectively. However, these services are currently divided between multiple agencies within MDHHS, including the Medical Services Administration and the Aging and Adult Services Agency. Bringing these services together under the umbrella of the newly established Health and Aging Services Administration will strengthen the continuum of support and services by improving collaboration and efficiency among programs serving an aging population.

Governor Milliken recognized the importance of having an effective and visible advocate for aging and older persons in all government decisions when he signed the Older Michiganians Act, 1981 PA 180, creating the Commission on Services to the Aging. This order maintains the independence of the Commission, while elevating the voices of the aging community to the highest levels of the Department. Going forward, in addition to its responsibilities developing the state plan on aging, the Commission will advise the Director on how to best support an aging population in developing and implementing the Department's strategic priorities.

Section 1 of article 5 of the Michigan Constitution of 1963 vests the executive power of the State of Michigan in the governor.

Section 2 of article 5 of the Michigan Constitution of 1963 empowers the governor to make changes in the organization of the executive branch of state government or in the assignment of functions among its units that the governor considers necessary for efficient administration.

Acting under the Michigan Constitution of 1963 and Michigan law, I order the following:

1. The Commission on Services to the Aging is transferred to the Department.

(a) The Commission on Services to the Aging is transferred by Type I transfer from the Aging and Adult Services Agency to the Department.

(b) The Commission on Services to the Aging must be an effective and visible advocate for aging and older persons and will report to the Director or the Director's designee.

2. Transfer of the Adult Community Placement program to the Department.

(a) The Adult Community Placement program, including all its authority, powers, duties, functions, and responsibilities established by the Social Welfare Act, 1939 PA 280, MCL 400.14, is transferred by Type II transfer from the Aging and Adult Services Agency to the Department.

3. Creation of the Health and Aging Services Administration.

(a) The Health and Aging Services Administration is created within the Department.

(b) All authority, powers, duties, functions, and responsibilities of the Medical Services Administration are transferred by Type II transfer to the Health and Aging Services Administration.

(c) Except as otherwise provided in section 2, all authority, powers, duties, functions, and responsibilities of the Aging and Adult Services Agency are transferred by Type II transfer to the Health and Aging Services Administration.

(d) All authority, powers, duties, functions, and responsibilities vested in the chief executive of the Medical Services Administration are transferred to the chief executive of the Health and Aging Services Administration.

(e) All authority, powers, duties, functions, and responsibilities vested in the executive director of the Aging and Adult Services Agency are transferred to the chief executive of the Health and Aging Services Administration.

(f) The Medical Services Administration and the Aging and Adult Services Agency are abolished.

(g) The position of chief executive of the Medical Services Administration is abolished.

(h) The position of executive director of the Aging and Adult Services Agency is abolished.

4. Definitions.

(a) As used in this order:

(1) "Aging and Adult Services Agency" means the agency established by section V of Executive Reorganization Order 2015-1, MCL 400.227.

(2) "The Commission on Services to the Aging" means the commission established by Section 3 of 1981 PA 180, MCL 400.583.

(3) "Department" means the Department of Health and Human Services, a principal department of state government established by Executive Reorganization Order 2015-4.

(4) "Director" means the Director of the Department of Health and Human Services, described in section II of Executive Reorganization Order 2015-4.

(5) "Medical Services Administration" means the agency transferred to the former Department of Community Health by section 1(B)(1) of Executive Reorganization Order 1996-1, MCL 330.3101, and subsequently redesignated as a Type II agency by section I(1) of Executive Reorganization Order 1997-4, MCL 333.26324.

(6) "Type I transfer" means that phrase as defined by Section 3 of the Executive Organization Act of 1965, 1965 PA 380, as amended, MCL 16.103.

(7) "Type II transfer" means that phrase as defined by Section 3 of the Executive Organization Act of 1965, 1965 PA 380, as amended, MCL 16.103.

5. Implementation.

(a) The Director shall provide executive direction and supervision for the implementation of this order.

(b) State departments, agencies, and state officers shall fully and actively cooperate with and assist the Director. The Director may request the assistance of other state departments, agencies, and officers with respect to personnel, budgeting, procurement, telecommunications, information systems, legal services, and other management-related functions, and the departments, agencies, and officers shall provide that assistance.

(c) The State Budget Director shall determine and authorize the most efficient manner possible for handling financial transactions and records in this state's financial management system necessary to implement this order.

(d) A rule, regulation, order, contract, or agreement relating to a function or responsibility transferred under this order lawfully adopted before the effective date of this order will continue to be effective until revised, amended, repealed, or rescinded.

(e) This order does not abate any criminal action commenced by this state before the effective date of this order.

(f) This order is not intended to abate a proceeding commenced by, against, or before an officer or entity affected by this order. A proceeding may be maintained by, against, or before the successor of any officer or entity affected by this order.

(g) If any portion of this order is found to be unenforceable, the unenforceable provision should be disregarded, and the rest of the order should remain in effect as issued.

(h) Consistent with section 2 of article 5 of the Michigan Constitution of 1963, this order is effective December 14 at 12:01 a.m.

History: 2021, E.R.O. No. 2021-2, Eff. Dec. 14, 2021.

Compiler's note: Executive Reorganization Order No. 2021-2 was promulgated October 14, 2021 as Executive Order No. 2021-14, Eff. Dec. 14, 2021.