

SENATE BILL No. 187

February 18, 2003, Introduced by Senators VAN WOERKOM, KUIPERS, CROPSEY, McMANUS, BIRKHOLZ, GILBERT, GEORGE, BROWN, JELINEK, GOSCHKA, BISHOP, BARCIA, CLARK-COLEMAN, TOY, ALLEN, JACOBS and SCOTT and referred to the Committee on Appropriations.

A bill to amend 1939 PA 280, entitled
"The social welfare act,"
by amending section 109c (MCL 400.109c), as amended by 1994 PA
302.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 109c. (1) The state department shall include, as part
2 of its program of medical services under this act, home- or
3 community-based services to eligible persons whom the state
4 department determines would otherwise require nursing home
5 services or similar institutional care services under
6 section 109. The home- or community-based services shall be
7 offered to qualified eligible persons who are receiving inpatient
8 hospital or nursing home services as an alternative to those
9 forms of care.

10 (2) The home- or community-based services shall include

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1 safeguards adequate to protect the health and welfare of
2 participating eligible persons, and shall be provided according
3 to a written plan of care for each person. The services
4 available under the home- or community-based services program
5 shall include, at a minimum, all of the following:

- 6 (a) Home delivered meals.
 - 7 (b) Chore services.
 - 8 (c) Homemaker services.
 - 9 (d) Respite care.
 - 10 (e) Personal care.
 - 11 (f) Adult day care.
 - 12 (g) Private duty nursing.
 - 13 (h) Mental health counseling.
 - 14 (i) Caregiver training.
 - 15 (j) Emergency response systems.
 - 16 (k) Home modification.
 - 17 (l) Transportation.
 - 18 (m) Medical equipment and supply services.
- 19 (3) This section shall be implemented so that the average per
20 capita expenditure for home- or community-based services for
21 eligible persons receiving those services does not exceed the
22 estimated average per capita expenditure that would have been
23 made for those persons had they been receiving nursing home
24 services, inpatient hospital **services**, or similar institutional
25 care services instead.
- 26 (4) The state department shall seek a waiver necessary to
27 implement this program from the federal department of health and

1 human services, as provided in section 1915 of title XIX **of the**
2 **social security act**, 42 U.S.C. 1396n. The department shall
3 request any modifications of the waiver that are necessary in
4 order to expand the program in accordance with subsection (9).

5 (5) The state department shall establish policy for
6 identifying the rules for persons receiving inpatient hospital or
7 nursing home services who may qualify for home- or
8 community-based services. The rules shall contain, at a minimum,
9 a listing of diagnoses and patient conditions to which the option
10 of home- or community-based services may apply, and a procedure
11 to determine if the person qualifies for home- or community-based
12 services.

13 (6) The state department shall provide to the legislature and
14 the governor an annual report showing the detail of its home- and
15 community-based case finding and placement activities. At a
16 minimum, the report shall contain each of the following:

17 (a) The number of persons provided home- or community-based
18 services who would otherwise require inpatient hospital
19 services. This shall include a description of medical
20 conditions, services provided, and projected cost savings for
21 these persons.

22 (b) The number of persons provided home- or community-based
23 services who would otherwise require nursing home services. This
24 shall include a description of medical conditions, services
25 provided, and projected cost savings for these persons.

26 (c) The number of persons and the annual expenditure for
27 personal care services.

1 (d) The number of hearings requested concerning home- or
2 community-based services and the outcome of each hearing ~~which~~
3 **that** has been adjudicated during the year.

4 (7) The written plan of care required under subsection (2)
5 for an eligible person shall not be changed unless the change is
6 prospective only, and the state department does both of the
7 following:

8 (a) Not later than 30 days before making the change, except
9 in the case of emergency, consults with the eligible person or,
10 in the case of a child, with the child's parent or guardian.

11 (b) Consults with each medical service provider involved in
12 the change. This consultation shall be documented in writing.

13 (8) An eligible person who is receiving home- or
14 community-based services under this section, and who is
15 dissatisfied with a change in his or her plan of care or a denial
16 of any home- or community-based service, may demand a hearing as
17 provided in section 9, and subsequently may appeal the hearing
18 decision to circuit court as provided in section 37.

19 (9) The state department shall expand the home- and
20 community-based services program by increasing the number of
21 counties in which it is available, in conformance with this
22 subsection. The program may be limited in total cost and in the
23 number of recipients per county who may receive services at 1
24 time. Subject to obtaining the waiver and any modifications of
25 the waiver sought under subsection (4), the program shall be
26 expanded as follows:

27 (a) Not later than ~~1 year after the effective date of this~~

1 ~~subsection~~ **July 14, 1995**, home- and community-based services
2 shall be available to eligible applicants in those counties that,
3 when combined, contain at least 1/4 of the population of this
4 state.

5 (b) Not later than ~~2 years after the effective date of this~~
6 ~~subsection~~ **July 14, 1996**, home- and community-based services
7 shall be available to eligible applicants in those counties that,
8 when combined, contain at least 1/2 of the population of this
9 state.

10 (c) Not later than ~~3 years after the effective date of this~~
11 ~~subsection~~ **July 14, 1997**, home- and community-based services
12 shall be available to eligible applicants in those counties that,
13 when combined, contain at least 3/4 of the population of this
14 state.

15 (d) Not later than ~~4 years after the effective date of this~~
16 ~~subsection~~ **July 14, 1998**, home- and community-based services
17 shall be available to eligible applicants on a statewide basis.

18 (10) The state department shall work with the office of
19 services to the aging in implementing the home- and
20 community-based services program, including the provision of
21 preadmission screening, case management, and recipient access to
22 services.

23 (11) **If a person receiving home- or community-based services**
24 **under this section no longer requires those services, the**
25 **department of community health shall provide the remainder of the**
26 **personal expenditure for that person to another eligible person.**