

# HOUSE BILL No. 4313

February 28, 1989, Introduced by Reps. Fitzgerald, Palamara, Camp, Runco, Bandstra, Bender, Emmons, Munsell, Randall, Giese, Crandall, London, Jaye, Willis Bullard, Middaugh, Sparks, DeLange, Strand, Dunaskiss, Miller, Honigman, Dolan, Martin, Kosteva, Law, Bankes, Oxender, Wallace, Krause, Gubow and Hillegonds and referred to the Committee on Senior Citizens and Retirement.

A bill to amend section 6 of Act No. 180 of the Public Acts of 1981, entitled as amended

"Older Michiganians act,"

as amended by Act No. 35 of the Public Acts of 1987, being section 400.586 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Section 1. Section 6 of Act No. 180 of the Public Acts of  
2 1981, as amended by Act No. 35 of the Public Acts of 1987, being  
3 section 400.586 of the Michigan Compiled Laws, is amended to read  
4 as follows:

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

7       (a) Serve as a visible and effective advocate for aging and  
8 older persons.

1 (b) Function as the single state agency within this state to  
2 supervise and administer the state plan required by the older  
3 Americans act of 1965, ~~42 U.S.C. 3001 to 3058d~~ PUBLIC LAW  
4 89-73, 42 U.S.C. 3001 TO 3003, 3011 TO 3013, 3015 TO 3032, 3034  
5 TO 3035g, 3037 TO 3037b, 3056 TO 3057n, AND 3058b TO 3058d.

6 (c) Be primarily responsible for the coordination of all  
7 state activities related to the purposes of this act.

8 (d) Cooperate with agencies of the state and federal govern-  
9 ment and receive funds for any purpose authorized by the  
10 legislature.

11 (e) Make necessary contracts incidental to the performance  
12 of its duties and the execution of its policies.

13 (f) Provide technical assistance to state and local agencies  
14 for the purposes of planning, program development, administra-  
15 tion, and evaluation; and encourage, promote, and aid in the  
16 establishment of services for aging and older persons.

17 (g) Collect, analyze, and disseminate data concerning serv-  
18 ices which affect aging and older persons.

19 (h) Establish an educational and public information program  
20 to foster public understanding of the problems and opportunities  
21 of aging and older persons; provide information on programs  
22 available to assist older persons; and encourage the development  
23 of private and public community programs to improve the status of  
24 older persons.

25 (i) Evaluate the effect of federal and state statutes on  
26 aging and older persons and recommend to the governor and the  
27 legislature appropriate changes.

1 (j) Evaluate, in cooperation with appropriate state  
2 departments and agencies, the effectiveness of public and private  
3 policies which affect older persons in the state and which are  
4 funded by federal, state, local, and private resources, including  
5 services which provide a comprehensive and integrated system of  
6 health and social services which respond to individual needs.

7 (k) Supervise, monitor, assess, evaluate, and provide tech-  
8 nical assistance to area agencies on aging, and other agencies  
9 receiving funds from the office, in meeting specified  
10 objectives.

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

14 (m) Participate in the development of the annual report of  
15 services that is required to be submitted to the department of  
16 health and human services under section 2004 of ~~Title~~ TITLE XX  
17 of the social security act, 42 U.S.C. 1397c, and provide recom-  
18 mendations to the governor on the components of the plan which  
19 relate to services to aging and older persons.

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

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

4 (p) Serve as a clearinghouse for the collection and distri-  
5 bution of information on aging and older persons.

6 (q) Establish demonstration programs for services to the  
7 aging and older persons in selected communities in the state.  
8 Particular emphasis shall be given to services designed to foster  
9 continued participation of older persons in family and community  
10 life and to prevent as nearly as possible unnecessary institu-  
11 tionalization of older persons. The programs shall be estab-  
12 lished to demonstrate and test their effectiveness, to stimulate  
13 continued support for them, and to create new services, using  
14 federal, state, local, or private funds and resources.

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

18 (i) Be designated as the state agency for coordination and  
19 development of foster grandparent and senior companion programs.  
20 The office is authorized: to receive and allocate funds from  
21 federal, state, and other sources for foster grandparent and  
22 senior companion programs; to negotiate waivers with the federal  
23 agency responsible for administering foster grandparent and  
24 senior companion programs and funds; and, in cases where federal  
25 foster grandparent and senior companion programs cannot be modi-  
26 fied, to institute policies and rule variations with subprograms  
27 of foster grandparent and senior companion programs distinctly

1 established through the use of state funds. Administrative  
2 agencies established before October 6, 1976, to develop and  
3 administer foster grandparent and senior companion programs are  
4 continued under this act pursuant to contracts initiated with the  
5 federal government. This subparagraph shall not be construed to  
6 prohibit the termination of a grantee for cause. Expansion of  
7 foster grandparent and senior companion programs shall be admin-  
8 istered under existing programs where feasible. Other state and  
9 local governmental agencies serving children, youth, and mentally  
10 retarded persons in need of protective care and treatment in  
11 institutional and community settings shall cooperate with the  
12 office in the development and administration of voluntary serv-  
13 ices for, and provided by, aging and older persons. The office  
14 may negotiate with the federal administration to obtain the same  
15 nontaxable status for state funded foster grandparent and senior  
16 companion stipends as that given to participants in the federal  
17 program.

18 (ii) Be designated as the state agency for coordination and  
19 development of retired senior volunteer programs. The office is  
20 authorized: to receive and allocate funds from federal, state,  
21 and other sources for retired senior volunteer programs; to nego-  
22 tiate waiver of rules with the federal agency responsible for  
23 administering retired senior volunteer programs and funds; and,  
24 in cases where federal retired senior volunteer programs cannot  
25 be modified, to institute policies and rule variations with sub-  
26 programs of retired senior volunteer programs distinctly  
27 established through the use of state funds. Administrative

1 agencies established before October 1, 1978, to develop and  
2 administer retired senior volunteer programs are continued under  
3 this act pursuant to contracts initiated with the federal  
4 government. Nothing in this subparagraph shall be construed to  
5 prohibit the termination of a grantee for cause. Expansion of  
6 retired senior volunteer programs shall be administered under  
7 existing programs where feasible. Other state and local govern-  
8 mental agencies shall cooperate with the office in the develop-  
9 ment and administration of voluntary services for, and provided  
10 by, aging and older persons.

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

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

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

25 (i) Develop means to reduce the cost of food to older per-  
26 sons and increase the nutritional adequacy of food purchased and  
27 consumed.

1       (ii) Provide technical assistance to local clubs, groups, or  
2 organizations of older persons for the development of buying  
3 clubs, food cooperatives, or shopping assistance programs; pro-  
4 vide education in purchase and preparation of foods; and encour-  
5 age retail grocers to package raw food in meal-size portions.

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

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

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

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

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

23       (w) Subject to Act No. 370 of the Public Acts of 1941, as  
24 amended, being sections 38.401 to 38.428 of the Michigan Compiled  
25 Laws, and the rules of the state civil service commission, ensure  
26 that preference is given to older persons in employment by the  
27 office and all recipients of funds from the office.

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

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

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

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

15 (BB) ESTABLISH AN EDUCATIONAL PROGRAM, WITH THE COOPERATION  
16 AND ASSISTANCE OF THE DEPARTMENT OF SOCIAL SERVICES, THE DEPART-  
17 MENT OF PUBLIC HEALTH, THE DEPARTMENT OF MENTAL HEALTH, AND THE  
18 INSURANCE BUREAU THAT SHALL DO, BUT NOT BE LIMITED TO, ALL OF THE  
19 FOLLOWING:

20 (i) PROVIDE INFORMATION ON HOW TO QUALIFY AND APPLY FOR  
21 MEDICAID BENEFITS.

22 (ii) PROVIDE INFORMATION ON MEDICAID AND MEDICARE COVERAGE  
23 AND BENEFITS.

24 (iii) PROVIDE INFORMATION ON SUPPLEMENTAL INSURANCE COVER-  
25 AGES, ESPECIALLY MEDICARE SUPPLEMENTAL COVERAGE, LONG-TERM CARE  
26 COVERAGE, AND EXPENSE-INCURRED POLICIES.



1       (iv) DISSEMINATE THE INFORMATION PROVIDED FOR IN  
2 SUBPARAGRAPHS (i) TO (iii) BY MAILINGS, INCLUDING MAILINGS IN  
3 CONJUNCTION WITH LEGISLATIVE MAILINGS, UTILITY MAILINGS, EMPLOYER  
4 PAYROLL MAILINGS, AND OTHER BUSINESS MAILINGS; LITERATURE DROPS,  
5 INCLUDING PLACEMENT IN LIBRARIES, SUPERMARKETS, AND OTHER PUBLIC  
6 PLACES; AND DIRECT DOOR-TO-DOOR LITERATURE PLACEMENT, INCLUDING  
7 DISSEMINATION IN CONJUNCTION WITH CANDIDATE CAMPAIGN LITERATURE.

8       (CC) PROVIDE AN ANNUAL REPORT ON THE SCOPE AND EFFECT OF THE  
9 EDUCATIONAL PROGRAM PROVIDED FOR UNDER SUBDIVISION (BB) TO THE  
10 HOUSE AND SENATE STANDING COMMITTEES WITH JURISDICTION OVER MAT-  
11 TERS PERTAINING TO SENIOR CITIZENS AND RETIREMENT, BEGINNING  
12 JANUARY 1, 1990.

13       Section 2. This amendatory act shall take effect January 1,  
14 1990.