

HOUSE BILL No. 5390

January 16, 1990, Introduced by Reps. Power, Hollister, Fitzgerald, Spaniola, Johnson, Hickner, Bartnik, Law, Maynard and Pridnia and referred to the Committee on Public Health.

A bill to amend section 109c of Act No. 280 of the Public Acts of 1939, entitled as amended

"The social welfare act,"

as added by Act No. 410 of the Public Acts of 1988, being section 400.109c of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 109c of Act No. 280 of the Public Acts
2 of 1939, as added by Act No. 410 of the Public Acts of 1988,
3 being section 400.109c of the Michigan Compiled Laws, is amended
4 to read as follows:

5 Sec. 109c. (1) The state department shall include, as part
6 of its program of medical services under this act, home or
7 community-based services to eligible persons whom the state
8 department determines would otherwise require nursing home
9 services or similar institutional care services under

1 section 109. The home or community-based services shall be
2 offered to qualified eligible persons who are receiving inpatient
3 hospital or nursing home services as an alternative to those
4 forms of care.

5 (2) The home or community-based services shall include safe-
6 guards adequate to protect the health and welfare of participat-
7 ing eligible persons, and shall be provided according to a writ-
8 ten plan of care for each person.

9 (3) This section shall be implemented so that the ~~average~~
10 ~~per capita~~ expenditure DURING A 12-MONTH PERIOD for home or
11 community-based services for AN eligible ~~persons~~ PERSON receiv-
12 ing those services does not exceed the estimated ~~average per~~
13 ~~capita~~ expenditure that would have been made for ~~those persons~~
14 ~~had they~~ THAT PERSON DURING THE SAME 12-MONTH PERIOD HAD THAT
15 PERSON been receiving nursing home services ~~, inpatient~~
16 ~~hospital~~ or similar institutional care services instead.

17 (4) The state department shall seek a waiver necessary to
18 implement this program from the federal department of health and
19 human services, as provided in section 1915 of title XIX,
20 42 U.S.C. 1396n.

21 (5) The state department shall establish policy for identi-
22 fying the ~~rules for~~ persons receiving inpatient hospital or
23 nursing home services who may qualify for home or community-based
24 services. The rules shall contain, at a minimum, a listing of
25 diagnoses and patient conditions to which the option of home or
26 community-based services may apply, and a procedure to determine
27 if the person qualifies for home or community-based services.

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

5 (a) The number of persons provided home or community-based
6 services who would otherwise require inpatient hospital
7 services. This shall include a description of medical condi-
8 tions, services provided, and projected cost savings for these
9 persons.

10 (b) The number of persons provided home or community-based
11 services under the program authorized by section 109(c)(4) who
12 would otherwise require nursing home services. This shall
13 include a description of medical conditions, services provided,
14 and projected cost savings for these persons.

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

17 (d) The number of hearings requested concerning home or
18 community-based services and the outcome of each hearing which
19 has been adjudicated during the year.

20 (7) The written plan of care required under subsection (2)
21 for an eligible person shall not be changed unless the change is
22 prospective only, and the state department does ~~both~~ ALL of the
23 following:

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

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

3 (8) An eligible person who is receiving home or
4 community-based services under this section, and who is dissatis-
5 fied with a change in his or her plan of care or a denial of any
6 home or community-based service, may demand a hearing as provided
7 in section 9, and subsequently may appeal the hearing decision to
8 circuit court as provided in section 37.

9 Section 2. This amendatory act shall not take effect unless
10 all of the following bills of the 85th Legislature are enacted
11 into law:

12 (a) Senate Bill No. _____ or House Bill No. 5388 (request
13 no. 00802'89 ***).

14 (b) Senate Bill No. _____ or House Bill No. 5389 (request
15 no. 00802'89 a ***).

16 (c) Senate Bill No. _____ or House Bill No. 5391 (request
17 no. 00802'89 c **).