

HOUSE BILL No. 5391

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 sections 6 and 9 of Act No. 180 of the Public Acts of 1981, entitled as amended

"Older Michiganians act,"

section 6 as amended by Act No. 35 of the Public Acts of 1987, being sections 400.586 and 400.589 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 6 and 9 of Act No. 180 of the Public
2 Acts of 1981, section 6 as amended by Act No. 35 of the Public
3 Acts of 1987, being sections 400.586 and 400.589 of the Michigan
4 Compiled Laws, are amended to read 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 SECTION 307
3 OF PART A OF TITLE III OF the older Americans act of 1965, ~~42~~
4 ~~U.S.C. 3001 to 3058d~~ PUBLIC LAW 89-73, 42 U.S.C. 3027.

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

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

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

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

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

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

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

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

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

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

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

21 (n) Develop a comprehensive triennial state plan on aging
22 with yearly updates regarding the priority needs of aging and
23 older persons, as well as recommendations for future action. The
24 office shall prepare an annual report to be submitted to the gov-
25 ernor and the legislature by January 31 of each year. The annual
26 report shall detail the progress of the office and the commission
27 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) PERFORM THE DUTIES ESTABLISHED FOR THE OFFICE UNDER THE
16 NURSING HOME PREADMISSION SCREENING ACT.

17 Sec. 9. (1) An agency designated by the commission as an
18 area agency on aging may be any of the following:

19 (a) An established office on aging located within the region
20 to be served by an area agency on aging.

21 (b) An office or agency of a unit of local government
22 ~~which~~ THAT is designated for the purpose of serving as an area
23 agency on aging by the chief elected official of that unit of
24 government.

25 (c) An office or agency designated by the appropriate chief
26 elected officials of a combination of units of local government.

1 (d) A public or nonprofit private agency, except a regional
2 or local agency of the state, ~~which~~ THAT is under the
3 supervision or direction of the state agency.

4 (2) An area agency on aging designated by the commission ~~is~~
5 ~~authorized to carry out~~ MAY DO ALL OF the following: ~~duties~~
6 ~~and powers.~~

7 (a) Serve as an advocate for aging and older persons by rep-
8 resenting their interests to public officials and public and pri-
9 vate organizations within the planning and service area.

10 (b) Develop and administer an area plan for a comprehensive
11 and coordinated service delivery system in the planning and serv-
12 ice area, providing opportunities for older persons and service
13 providers to express their views to the area agency on policy
14 development and program implementation under the plan.

15 (c) Assess the kinds and levels of service needed by older
16 persons in the planning and service area, and the effectiveness
17 of other public and private programs serving those needs.

18 (d) Enter into subcontracts with local organizations for the
19 direct provision of services to meet the priority needs of older
20 persons identified in the plan.

21 (e) Coordinate and assist regional or local public and non-
22 profit agencies in the planning and development of programs to
23 establish an areawide network of comprehensive, coordinated serv-
24 ice and opportunities for older persons.

25 (f) Serve as an advocate for aging and older persons by
26 assisting them in obtaining the benefits currently available
27 under federal and state law and by representing their interests

1 to public officials and public and private organizations within
2 the planning and serving area.

3 (g) Receive information from the office and commission
4 regarding legislation, regulation, and program and policy direc-
5 tion, and serve as the clearinghouse for dissemination of infor-
6 mation from and to older persons and service providers within the
7 planning and service area.

8 (h) Give priority in planning and administering services and
9 programs to those older persons with the greatest economic and
10 social need.

11 (i) Undertake other activities necessary to develop and
12 administer the area plan in compliance with the policies, guide-
13 lines, or rules as set forth by federal or state statute and reg-
14 ulation, the commission, and the office.

15 (j) Provide adequate and effective opportunities for older
16 persons to express their views on policy development and program
17 implementation.

18 (K) PERFORM THE DUTIES ESTABLISHED FOR AN AREA AGENCY ON
19 AGING UNDER THE NURSING HOME PREADMISSION SCREENING ACT.

20 (3) Each area agency on aging shall have an advisory coun-
21 cil, 1/2 of the membership of which shall be 60 years of age or
22 older.

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

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

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

3 (c) Senate Bill No. _____ or House Bill No. 5390 (request
4 no. 00802'89 b ***).