

SENATE BILL No. 252

March 16, 1989, Introduced by Senator HOLMES and referred to the Committee on Human Resources and Senior Citizens.

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

"The social welfare act,"

as amended, being sections 400.1 to 400.121 of the Michigan Compiled Laws, by adding sections 103a, 103b, and 103c.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Act No. 280 of the Public Acts of 1939, as
2 amended, being sections 400.1 to 400.121 of the Michigan Compiled
3 Laws, is amended by adding sections 103a, 103b, and 103c to read
4 as follows:

5 SEC. 103A. AS USED IN SECTIONS 103B AND 103C:

6 (A) "COUNTY PROGRAM" MEANS THAT TERM AS DEFINED IN SECTION
7 200 OF THE MENTAL HEALTH CODE, ACT NO. 258 OF THE PUBLIC ACTS OF
8 1974, BEING SECTION 330.1200 OF THE MICHIGAN COMPILED LAWS.

1 (B) "DUALY-DIAGNOSED ADULT" MEANS AN ADULT WHO HAS BEEN
2 DIAGNOSED AS HAVING BOTH MENTAL ILLNESS, AS DEFINED IN SECTION
3 400A OF THE MENTAL HEALTH CODE, ACT NO. 258 OF THE PUBLIC ACTS OF
4 1974, BEING SECTION 330.1400A OF THE MICHIGAN COMPILED LAWS, AND
5 A DEVELOPMENTAL DISABILITY, AS DEFINED IN SECTION 500 OF THE
6 MENTAL HEALTH CODE, ACT NO. 258 OF THE PUBLIC ACTS OF 1974, BEING
7 SECTION 330.1500 OF THE MICHIGAN COMPILED LAWS.

8 (C) "LICENSEE" MEANS THAT TERM AS DEFINED IN SECTION 5 OF
9 THE ADULT FOSTER CARE FACILITY LICENSING ACT, ACT NO. 218 OF THE
10 PUBLIC ACTS OF 1979, BEING SECTION 400.705 OF THE MICHIGAN
11 COMPILED LAWS.

12 (D) "PERSONAL CARE PAYMENT" MEANS AN AMOUNT PROVIDED UNDER
13 SECTION 103B, AS PART OF THE STATE MEDICAL ASSISTANCE PROGRAM.

14 (E) "SPECIAL NEEDS SUPPLEMENT" MEANS AN AMOUNT PROVIDED
15 UNDER SECTION 103C.

16 (F) "SSI RECIPIENT" MEANS AN INDIVIDUAL WHO RECEIVES FEDERAL
17 SUPPLEMENTAL SECURITY INSURANCE PAYMENTS MADE PURSUANT TO TITLE
18 XVI OF THE SOCIAL SECURITY ACT, 42 U.S.C. 1381 TO 1382 AND 1383
19 TO 1383c.

20 SEC. 103B. (1) THE DEPARTMENT SHALL MAKE A PERSONAL CARE
21 PAYMENT TO A LICENSEE ON BEHALF OF EACH SSI RECIPIENT WHO RESIDES
22 IN THAT LICENSEE'S ADULT FOSTER CARE FACILITY. THE AMOUNT OF A
23 PAYMENT SHALL BE DETERMINED UNDER A 3-LEVEL PAYMENT SCHEDULE
24 ESTABLISHED BY THE DEPARTMENT. THE DEPARTMENT SHALL ESTABLISH
25 THE PAYMENT SCHEDULE BASED ON THE FOLLOWING CRITERIA:

26 (A) THE NUMBER AND SEVERITY OF FUNCTIONAL LIMITATIONS ON THE
27 DAILY LIVING ACTIVITIES OF THE PERSON.

1 (B) THE TYPES OF PERSONAL CARE SERVICES REQUIRED TO ADDRESS
2 THOSE FUNCTIONAL LIMITATIONS.

3 (C) THE AMOUNT OF TIME REQUIRED TO DELIVER THOSE PERSONAL
4 CARE SERVICES TO THE PERSON.

5 (2) IN DETERMINING THE APPROPRIATE PAYMENT LEVEL FOR AN ELI-
6 GIBLE PERSON UNDER SUBSECTION (1), THE STATE DEPARTMENT SHALL DO
7 ALL OF THE FOLLOWING:

8 (A) REQUIRE A PHYSICIAN'S DOCUMENTATION OF AN ILLNESS OR
9 MEDICAL CONDITION.

10 (B) ASSESS THE PERSON'S FUNCTIONAL LIMITATIONS OR, IF APPLI-
11 CABLE, HAVE A COUNTY PROGRAM EMPLOYEE ASSESS THE PERSON'S FUNC-
12 TIONAL LIMITATIONS.

13 (C) PROVIDE FOR A REVIEW OF THE RESULTS OF THE ACTIONS TAKEN
14 UNDER SUBDIVISIONS (A) AND (B) BY A LICENSED REGISTERED NURSE
15 EMPLOYED BY THE STATE DEPARTMENT.

16 (D) ASSIGN TO THE PERSON A NUMERICAL SCORE INDICATING THE
17 RELATIVE NEED OF THE PERSON FOR PERSONAL CARE SERVICES, WHICH
18 SHALL BE THE PRIMARY FACTOR DETERMINING WHICH OF THE 3 PAYMENT
19 LEVELS THE PERSON IS QUALIFIED FOR.

20 SEC. 103C. (1) IN ADDITION TO A PERSONAL CARE PAYMENT, THE
21 DEPARTMENT SHALL PAY A SPECIAL NEEDS SUPPLEMENT TO A LICENSEE ON
22 BEHALF OF AN SSI RECIPIENT WHO RESIDES IN THAT LICENSEE'S ADULT
23 FOSTER CARE FACILITY IF THE SSI RECIPIENT REQUIRES, AND THE
24 FACILITY CAN PROVIDE, ANY OF THE FOLLOWING:

25 (A) CONTINUOUS SUPERVISION FOR PERSONS SUFFERING FROM
26 ALZHEIMER'S DISEASE.

1 (B) SPECIAL BEHAVIOR MANAGEMENT PROGRAMS FOR
2 DUALY-DIAGNOSED ADULTS WHO HAVE SPECIAL BEHAVIOR PROBLEMS.

3 (C) SPECIAL PROGRAMS FOR PERSONS WITH TRAUMATIC BRAIN
4 INJURIES.

5 (D) PROGRAMS FOR TEACHING COMMUNITY LIVING AND ADAPTIVE
6 SKILLS TO THE SEVERELY PHYSICALLY HANDICAPPED.

7 (2) IN DETERMINING THE ELIGIBILITY OF A PERSON FOR A SPECIAL
8 NEEDS SUPPLEMENT BASED ON THE FACTORS PRESCRIBED IN
9 SUBSECTION (1), THE STATE DEPARTMENT SHALL ESTABLISH A COMPREHEN-
10 SIVE ASSESSMENT AND SERVICE PLAN FOR THE PERSON, WHICH SHALL
11 INCLUDE THE PROGRAMS AND SERVICES TO BE PROVIDED TO THE PERSON
12 AND A VERIFICATION OF THE ABILITY OF THE ADULT FOSTER CARE FACIL-
13 ITY TO PROVIDE THOSE SERVICES.

14 (3) THE PROGRAMS AND SERVICES FUNDED BY A SPECIAL NEEDS SUP-
15 PLEMENT SHALL BE, WHENEVER POSSIBLE, DESIGNED TO ASSIST THE
16 PERSON IN MOVING INTO A LESS RESTRICTIVE, MORE INDEPENDENT LIVING
17 SITUATION.

18 (4) A SPECIAL NEEDS SUPPLEMENT SHALL BE A FLAT AMOUNT AS
19 DETERMINED BY THE STATE DEPARTMENT AND APPROPRIATED BY THE
20 LEGISLATURE.