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BILL ANALYSIS

Senate Fiscal Agency

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House Bill 4116 (as reported without amendment)**Sponsor: Representative Claude Trim****House Committee: Mental Health****Senate Committee: Education and Mental Health****Date Completed: 6-10-87****RATIONALE**

In order for a person to be classified under the Michigan Mental Health Code as developmentally disabled, the person's impairment, which the Code further defines, must originate before he or she is 18 years old. Some people 18 and older who become severely disabled (for example, as the result of stroke or head injury) could benefit from programs for the developmentally disabled but their age at the onset of their impairment makes them ineligible for these programs. Although there are a variety of Federal, State, and private programs available for people who become disabled after age 18, some people still "fall between the cracks" under existing programs. Families of people disabled after 18 years of age are faced with the difficult choice between "warehousing" their disabled loved ones — often in geriatric nursing care homes — or keeping them home. Private, fee-for-service programs are seldom available, but even when available the costs (averaging \$600 per day) are such that families seldom can afford such programs or cannot afford to keep their disabled relatives in the programs as long as needed. Some people believe that developmentally disabled services should be made available to 18- to 22-year-olds and that the State age limit for developmental disability classification should be raised from 18 to 22.

CONTENT

The bill would amend the definition of "developmentally disabled" in the Mental Health Code to change from 18 to 22 years the age by which a developmental disability must have originated.

MCL 330.1500

FISCAL IMPACT

The fiscal impact on the State and Department of Mental Health could range from \$650,000 to \$9,800,000 in FY 1987-88 if an additional 200 people, between the ages of 18 to 22 years, required services under the new definition of developmentally disabled.

The Department's estimate of 200 additional cases is based on the percentage of 19- to 22-year-olds in the State's 0 to 22 years population compared with the number of head injury cases in the State. If the additional 200 cases required mental health services, such as case management, partial day and/or family support service for the developmentally disabled, the cost estimate could be approximately \$650,000 per year. However, if more intensive services, such as residential services, were needed, the cost estimate would be much higher.

The average per diem rate for residential services in FY 1986-87 is approximately \$103.32 per person. An additional 200 cases at this rate would cost approximately \$7,542,360 per year. The per diem rate for FY 1987-88 is expected to increase.

Case revenue reimbursement for the additional cases would be possible. Federal funds may be available because Federal programs use a definition of developmentally disabled which includes an age range of birth to 22 years of age.

In addition, some of the services mentioned above provided by the Department are eligible for a 10% match from county governments, which would offset Department gross expenditures for these cases.

ARGUMENTS**Supporting Argument**

There exists a group of young adults — mostly survivors of head injuries as well as some young stroke victims — who could benefit from the range of programs available to the developmentally disabled but who do not qualify for these programs because they were 18 or older when their disability was incurred. This group of young people, ranging from 18 to 22 years of age, should be allowed access to developmental disability programs by raising the age requirement.

Supporting Argument

The Michigan Head Injury Alliance estimates that each year between 18,000 and 20,000 people in Michigan become disabled by traumatic brain injury. Of this number, 10% are left with intellectual impairment of such a degree as to preclude their return to a normal life. Two-thirds of these people are male, and one survey indicates that half receive their injuries before their 22nd birthday. This suggests that each year in Michigan approximately 10,000 cases of head injury will occur to people under age 22 and that 1,000 of these young people will be left with severe impairments that inhibit independent living. Since Michigan's no-fault automobile insurance law provides unlimited benefits to auto accident victims, and since an estimated 50% of head injuries result from auto accidents, half of these 1,000 young people are covered by "no-fault", but the remaining half are not. Programs for survivors of head injury who are not covered by no-fault auto insurance or who exceed the existing age requirement for developmental disability

H.B. 4116 (6-10-87)

programs reportedly are costly, rare, and fragmented. As a result, 18- to 21-year-old survivors of head injury are either being discharged from the hospital to geriatric chronic care facilities and State psychiatric hospitals, where some believe they are given inappropriate care, or they are returned home, where their families struggle to cope with the multiple physical and emotional problems that accompany head injury. This choice faced by families of head injured survivors — between "warehousing" their loved ones or bringing them home without access to the necessary restorative and respite programs — is an injustice that results in condemning these young people to lives devoid of meaning and dignity and subjecting their families to stress and anguish. While changing the age of eligibility from 18 to 22 would not solve all the problems of this population or even guarantee services, it would allow these young people and their families equal access to some needed services.

Supporting Argument

The bill would make the Michigan age requirement in the definition of "developmental disability" consistent with the Federal requirement specified in the Developmental Disabilities Assistance and Bill of Rights Act of 1984, and with the age requirement in the definition of "persons with related conditions" held by the Health Care Facilities Administration's Intermediate Care Facilities for the Mentally Retarded.

Opposing Argument

If there is nothing "magic" about an age 18 cut-off point for developmental disability, why stop at age 22? Surely a 40-year-old survivor of traumatic head injury or severe stroke is just as deserving of the full range of services as a 21-year-old. Possibly the age limit should be eliminated altogether.

Response: Ideally there would be no age limit on eligibility for services now available only to those falling under the current definition of "developmentally disabled". Given the fact that resources are limited, the age 22 requirement at least would bring Michigan into conformity with Federal requirements, as well as serve an age population that, generally, has more potential for greater functional recovery than do older populations.

Opposing Argument

Current resources for persons classified as developmentally disabled are not sufficient to meet the existing need. Adding additional people to the service population would not only exacerbate existing problems, but create false hopes that additional services would become available. If the eligibility requirement is to be broadened, additional money should be appropriated to provide the necessary services.

Opposing Argument

If the definition of "developmental disability" in the Mental Health Code is to be changed to conform to the Federal definition in one respect, then it ought to be changed to conform in all respects. In one important area in which the Federal and State definitions differ, the Federal definition allows physical impairment, as well as mental impairment or a combination of mental and physical impairment, to count as developmental disability, while the State code does not.

Response: Given the comparatively few services offered by the Federal programs, the inclusion of physical disabilities in the Federal definition does not broaden that definition to the extent that including physical disabilities under the State definition would.

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