

# HOUSE BILL No. 4269

February 11, 1999, Introduced by Reps. Daniels, Hale, Price, Quarles, Schermesser and Thomas and referred to the Committee on Family and Children Services.

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending section 107 (MCL 400.107) and by adding sections 107a and 107b.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 107. (1) In establishing financial eligibility for the  
2 medically indigent as defined in section ~~106(2)~~ 106(1)(B),  
3 income shall be disregarded in accordance with standards estab-  
4 lished for the related categorical assistance program, SUBJECT TO  
5 SECTIONS 107A AND 107B. Additional income shall be applied  
6 against BOTH OF THE FOLLOWING: ~~(i) the~~  
7       (A) THE cost of medical care not authorized under this act.  
8 ~~, and (ii) the~~  
9       (B) THE cost of services authorized under this act, in  
10 excess of the basic amount.

1 (2) For medical assistance only, income shall include the  
2 amount of contribution ~~which~~ THAT an estranged spouse or parent  
3 for a minor child is making to the applicant according to the  
4 standards of the state department, or pursuant to a court deter-  
5 mination, if there is such a determination. ~~Nothing~~ EXCEPT AS  
6 PROVIDED IN SECTION 107B, NOTHING in this section ~~shall~~  
7 ~~eliminate~~ ELIMINATES the responsibility of support established  
8 in section 76 for cash assistance received under this act.

9 SEC. 107A. AS USED IN THIS SECTION AND SECTION 107B:

10 (A) "ADJUSTED ANNUALLY" MEANS INCREASED BY THE DEPARTMENT  
11 EACH YEAR, BASED UPON THE PERCENTAGE INCREASE IN THE CONSUMER  
12 PRICE INDEX FOR ALL URBAN CONSUMERS, ALL ITEMS, U.S. CITY AVER-  
13 AGE, AS DETERMINED BY THE BUREAU OF LABOR STATISTICS OF THE  
14 UNITED STATES DEPARTMENT OF LABOR, BETWEEN SEPTEMBER 1988 AND THE  
15 SEPTEMBER BEFORE THE CALENDAR YEAR INVOLVED.

16 (B) "AT RISK OF INSTITUTIONALIZATION" MEANS THAT, WITHOUT  
17 THE PROVISION OF HOME OR COMMUNITY-BASED SERVICES DESCRIBED IN  
18 SECTION 109C, A PERSON WOULD HAVE TO BE CARED FOR IN A MEDICAL  
19 INSTITUTION.

20 (C) "INSTITUTIONALIZED SPOUSE" MEANS A QUALIFIED APPLICANT  
21 WHO IS MARRIED TO A SPOUSE WHO IS NOT IN A MEDICAL INSTITUTION OR  
22 AT RISK OF INSTITUTIONALIZATION.

23 (D) "LONG-TERM CARE" MEANS CARE THAT EXCEEDS OR IS PROJECTED  
24 TO EXCEED AT LEAST 30 DAYS.

25 (E) "MEDICAL INSTITUTION" MEANS THAT TERM AS DEFINED IN SEC-  
26 TION 106.

1 (F) "QUALIFIED APPLICANT" MEANS A PERSON WHO IS ADMITTED TO  
2 A MEDICAL INSTITUTION FOR LONG-TERM CARE OR WHO IS FOUND THROUGH  
3 A FORMAL PREADMISSION SCREENING PROCESS TO BE AT RISK OF INSTITU-  
4 TIONALIZATION FOR LONG-TERM CARE AND WHO APPLIES FOR MEDICAL  
5 ASSISTANCE UNDER THIS ACT.

6 SEC. 107B. THE STATE DEPARTMENT SHALL AMEND THE STATE PLAN  
7 FOR MEDICAL ASSISTANCE REQUIRED UNDER SECTION 1902 OF TITLE XIX  
8 OF THE SOCIAL SECURITY ACT, 42 U.S.C. 1396a, TO CONFORM TO FED-  
9 ERAL REQUIREMENTS FOR THE TREATMENT OF INCOME AND RESOURCES IN  
10 DETERMINING THE ELIGIBILITY OF AN INSTITUTIONALIZED SPOUSE FOR  
11 MEDICAL ASSISTANCE. THE AMENDMENTS TO THE STATE PLAN SHALL  
12 INCLUDE BOTH OF THE FOLLOWING:

13 (A) THE MINIMUM MONTHLY MAINTENANCE NEEDS ALLOWANCE, AS  
14 DEFINED IN SECTION 1924(d)(3) OF TITLE XIX OF THE SOCIAL SECURITY  
15 ACT, 42 U.S.C. 1396r-5, TO BE RETAINED BY OR TRANSFERRED TO THE  
16 SPOUSE OF AN INSTITUTIONALIZED SPOUSE AND TREATED AS UNAVAILABLE  
17 FOR CARE OF THE INSTITUTIONALIZED SPOUSE, SHALL BE \$1,500.00, AS  
18 ADJUSTED ANNUALLY, UNLESS THE NEED FOR A HIGHER AMOUNT IS ESTAB-  
19 LISHED IN A FAIR HEARING OR BY COURT ORDER.

20 (B) THE TOTAL AMOUNT OF RESOURCES TO BE RETAINED BY OR  
21 TRANSFERRED TO THE SPOUSE OF AN INSTITUTIONALIZED SPOUSE AND  
22 TREATED AS UNAVAILABLE FOR CARE OF THE INSTITUTIONALIZED SPOUSE  
23 FOR PURPOSES OF SECTION 1924(f)(2)(A) OF TITLE XIX OF THE SOCIAL  
24 SECURITY ACT, 42 U.S.C. 1396r-5, SHALL BE THE LESSER OF THE SPOU-  
25 SAL SHARE DETERMINED UNDER SECTION 1924(c) OF THE SOCIAL SECURITY  
26 ACT, 42 U.S.C. 1396r-5, OR \$60,000.00, AS ADJUSTED ANNUALLY,

1 UNLESS THE NEED FOR A HIGHER AMOUNT IS ESTABLISHED IN A FAIR

2 HEARING OR BY COURT ORDER.