



HOUSE BILL No. 6132

November 9, 2000, Introduced by Rep. Reeves and referred to the Committee on Insurance and Financial Services.

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending section 109 (MCL 400.109), as amended by 2000 PA 168.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 109. (1) The following medical services may be pro-
2 vided under this act:

3 (a) Hospital services that an eligible person may receive
4 consist of medical, surgical, or obstetrical care, together with
5 necessary drugs, X-rays, physical therapy, prosthesis, transpor-
6 tation, and nursing care incident to the medical, surgical, or
7 obstetrical care. The period of inpatient hospital service shall
8 be the minimum period necessary in this type of facility for the
9 proper care and treatment of the individual. Necessary
10 hospitalization to provide dental care shall be provided if

1 certified by the attending dentist with the approval of the
2 department of community health. A person who is receiving medi-
3 cal treatment as an inpatient because of a diagnosis of tubercu-
4 losis or mental disease may receive service under this section,
5 notwithstanding the mental health code, 1974 PA 258, MCL 330.1001
6 to 330.2106, and 1925 PA 177, MCL 332.151 to 332.164. The
7 department of community health shall pay for hospital services
8 ~~in accordance with~~ ACCORDING TO the state plan for medical
9 assistance adopted ~~pursuant to~~ UNDER section 10 and approved by
10 the United States department of health and human services.

11 (b) An eligible person may receive physician services autho-
12 rized by the department of community health. The service may be
13 furnished in the office of the physician, the eligible person's
14 home, a medical institution, or elsewhere in case of emergency.
15 A physician shall be paid a reasonable charge for the service
16 rendered. Reasonable charges shall be determined by the depart-
17 ment of community health and shall not be more than ~~those~~
18 CHARGES paid in this state for services rendered under title
19 XVIII.

20 (c) An eligible person may receive nursing home services in
21 a state licensed nursing home, a medical care facility, or other
22 facility or identifiable unit of that facility, certified by the
23 appropriate authority as meeting established standards for a
24 nursing home under the laws and rules of this state and the
25 United States department of health and human services, to the
26 extent found necessary by the attending physician, dentist, or
27 certified Christian Science practitioner. An eligible person may

1 receive nursing services in a short-term nursing care program
2 established under section 22210 of the public health code, 1978
3 PA 368, MCL 333.22210, to the extent found necessary by the
4 attending physician when the combined length of stay in the acute
5 care bed and short-term nursing care bed exceeds the average
6 length of stay for medicaid hospital diagnostic related group
7 reimbursement. The department of community health shall not make
8 a final payment ~~pursuant to~~ UNDER title XIX for benefits avail-
9 able under title XVIII without documentation that title XVIII
10 claims have been filed and denied. The department of community
11 health shall pay for nursing home services ~~in accordance with~~
12 ACCORDING TO the state plan for medical assistance adopted
13 ~~pursuant to~~ UNDER section 10 and approved by the United States
14 department of health and human services. A county shall reim-
15 burse a county maintenance of effort rate determined on an annual
16 basis for each patient day of medicaid nursing home services pro-
17 vided to eligible persons in long-term care facilities owned by
18 the county and licensed to provide nursing home services. For
19 purposes of determining rates and costs described in this subdi-
20 vision, all of the following apply:

21 (i) For A county owned ~~facilities~~ FACILITY with per
22 patient day updated variable costs exceeding the variable cost
23 limit for the county facility, county maintenance of effort rate
24 means 45% of the difference between per patient day updated vari-
25 able cost and the concomitant nursing home-class variable cost
26 limit, the quantity offset by the difference between per patient
27 day updated variable cost and the concomitant variable cost limit

1 for the county facility. The county rate shall not be less than
2 zero.

3 (ii) For A county owned ~~facilities~~ FACILITY with per
4 patient day updated variable costs not exceeding the variable
5 cost limit for the county facility, county maintenance of effort
6 rate means 45% of the difference between per patient day updated
7 variable cost and the concomitant nursing home class variable
8 cost limit.

9 (iii) For A county owned ~~facilities~~ FACILITY with per
10 patient day updated variable costs not exceeding the concomitant
11 nursing home class variable cost limit, the county maintenance of
12 effort rate ~~shall equal~~ EQUALS zero.

13 (iv) For the purposes of this section: "per patient day
14 updated variable costs and the variable cost limit for the county
15 facility" ~~shall be~~ IS determined ~~pursuant~~ ACCORDING to the
16 state plan for medical assistance; for A freestanding county
17 ~~facilities~~ FACILITY the "nursing home class variable cost
18 limit" ~~shall be~~ IS determined ~~pursuant~~ ACCORDING to the state
19 plan for medical assistance and for A hospital attached county
20 ~~facilities~~ FACILITY the "nursing class variable cost limit"
21 ~~shall be~~ IS determined ~~pursuant~~ ACCORDING to the state plan
22 for medical assistance plus \$5.00 per patient day; and
23 "freestanding" and "hospital attached" ~~shall be~~ ARE determined
24 ~~in accordance with~~ ACCORDING TO the federal regulations.

25 (v) If the county maintenance of effort rate computed ~~in~~
26 ~~accordance with~~ ACCORDING TO this section exceeds the county
27 maintenance of effort rate in effect as of September 30, 1984,

1 the rate in effect as of September 30, 1984 ~~shall remain~~
2 REMAINS in effect until a time that the rate computed ~~in accord-~~
3 ~~ance with~~ ACCORDING TO this section is less than the
4 September 30, 1984 rate. This limitation remains in effect until
5 December 31, 2003. For each subsequent county fiscal year the
6 maintenance of effort ~~may~~ SHALL not increase by more than \$1.00
7 per patient day each year.

8 (vi) For A county owned ~~facilities~~ FACILITY, reimbursement
9 for plant costs will continue to be based on interest expense and
10 depreciation allowance unless otherwise provided by law.

11 (d) An eligible person may receive pharmaceutical services
12 from a licensed pharmacist of the person's choice as prescribed
13 by a licensed physician or dentist and approved by the department
14 of community health. In an emergency, but not routinely, the
15 person may receive pharmaceutical services rendered personally by
16 a licensed physician or dentist on the same basis as approved for
17 pharmacists.

18 (e) An eligible person may receive other medical and health
19 services as authorized by the department of community health.

20 (f) Psychiatric care may also be provided ~~pursuant~~
21 ACCORDING to the guidelines established by the department of com-
22 munity health to the extent of appropriations made available by
23 the legislature for the fiscal year.

24 (2) The director shall provide notice to the public, ~~in~~
25 ~~accordance with~~ ACCORDING TO applicable federal regulations, and
26 shall obtain the approval of the committees on appropriations of
27 the house of representatives and senate of the legislature of

1 this state, of any proposed change in the statewide method or
2 level of reimbursement for a service, if the proposed change is
3 expected to increase or decrease ~~payments~~ PAYMENT for that
4 service by 1% or more during the 12 months after the effective
5 date of the change.

6 (3) As used in this act:

7 (A) "CERTIFIED NURSE MIDWIFE" MEANS AN INDIVIDUAL LICENSED
8 AS A REGISTERED PROFESSIONAL NURSE UNDER PART 172 OF THE PUBLIC
9 HEALTH CODE, 1978 PA 368, MCL 333.17201 TO 333.17242, WHO HAS
10 BEEN ISSUED A SPECIALTY CERTIFICATION IN THE PRACTICE OF NURSE
11 MIDWIFERY BY THE BOARD OF NURSING UNDER SECTION 17210 OF THE
12 PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.17210.

13 (B) "OBSTETRICAL CARE" INCLUDES THE PROVISION OF PRENATAL
14 AND PREGNANCY RELATED HEALTH CARE PROVIDED BY A CERTIFIED NURSE
15 MIDWIFE.

16 (C) ~~(a)~~ "Title XVIII" means title XVIII of the social
17 security act, chapter 531, 49 Stat. 620, 42 U.S.C. 1395 to 1395b,
18 1395b-2, 1395b-6 to 1395b-7, 1395c to 1395i, 1395i-2 to 1395i-5,
19 1395j to 1395t, 1395u to 1395w, 1395w-2 to 1395w-4, 1395w-21 to
20 1395w-28, 1395x to 1395yy, and 1395bbb to 1395ggg.

21 (D) ~~(b)~~ "Title XIX" means title XIX of the social security
22 act, chapter 531, 49 Stat. 620, 42 U.S.C. 1396 to 1396f, 1396g-1
23 to 1396r-6, and 1396r-8 to 1396v.

24 (E) ~~(c)~~ "Title XX" means title XX of the social security
25 act, chapter 531, 49 Stat. 620, 42 U.S.C. 1397 to 1397f.