

SUBSTITUTE FOR

SENATE BILL NO. 275

(As amended December 11 and 12, 2013)

A bill to amend 1939 PA 280, entitled
"The social welfare act,"
(MCL 400.1 to 400.119b) by adding section 57z.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 57Z. (1) <<IF AN APPLICANT OR RECIPIENT TESTS POSITIVE FOR
2 USE OF A CONTROLLED SUBSTANCE AND IT IS DETERMINED THAT HE OR SHE USED
3 THAT CONTROLLED SUBSTANCE IN VIOLATION OF STATE LAW, AND IT IS THE FIRST
4 TIME THAT IT IS DETERMINED THAT HE OR SHE TESTED POSITIVE FOR USE OF A
5 CONTROLLED SUBSTANCE IN VIOLATION OF STATE LAW UNDER THE PILOT PROGRAM
6 DESCRIBED IN SECTION 57Y,>> THE DEPARTMENT SHALL REFER THE INDIVIDUAL
7 TO THE
8 <<DEPARTMENT-DESIGNATED COMMUNITY MENTAL HEALTH ENTITIES>> AND, IF HE OR
9 SHE IS
10 OTHERWISE ELIGIBLE, PROVIDE OR CONTINUE TO PROVIDE FAMILY
11 INDEPENDENCE PROGRAM ASSISTANCE TO HIM OR HER. FOR AN APPLICANT
12 DESCRIBED IN THIS SUBSECTION, THE COST OF ADMINISTERING THE
13 SUBSTANCE ABUSE TEST TO HIM OR HER SHALL BE DEDUCTED FROM HIS OR

1 HER FIRST FAMILY INDEPENDENCE PROGRAM ASSISTANCE PAYMENT. FOR A
2 RECIPIENT DESCRIBED IN THIS SUBSECTION, THE COST OF ADMINISTERING
3 THE SUBSTANCE ABUSE TEST TO HIM OR HER SHALL BE DEDUCTED FROM HIS
4 OR HER FIRST FAMILY INDEPENDENCE PROGRAM ASSISTANCE PAYMENT AFTER
5 THE REDETERMINATION. IF THE APPLICANT OR RECIPIENT DESCRIBED IN
6 THIS SUBSECTION FAILS TO PARTICIPATE IN TREATMENT OFFERED BY THE
7 <<DEPARTMENT-DESIGNATED COMMUNITY MENTAL HEALTH ENTITIES>> OR FAILS TO
8 SUBMIT
9 TO PERIODIC SUBSTANCE ABUSE TESTING REQUIRED BY THE <<DEPARTMENT-
10 DESIGNATED COMMUNITY MENTAL HEALTH ENTITIES>>, THE DEPARTMENT SHALL
11 TERMINATE HIS OR HER FAMILY INDEPENDENCE PROGRAM ASSISTANCE.

12 (2) <<IF AN APPLICANT OR RECIPIENT TESTS POSITIVE FOR USE OF A
13 CONTROLLED SUBSTANCE AND IT IS DETERMINED THAT HE OR SHE USED THAT
14 CONTROLLED SUBSTANCE IN VIOLATION OF STATE LAW, AND IT IS THE SECOND OR
15 SUBSEQUENT TIME IT IS DETERMINED THAT HE OR SHE TESTED POSITIVE FOR USE
16 OF A CONTROLLED SUBSTANCE IN VIOLATION OF STATE LAW UNDER THE PILOT
17 PROGRAM DESCRIBED IN SECTION 57Y,>> HE
18 OR SHE IS INELIGIBLE FOR FAMILY INDEPENDENCE PROGRAM ASSISTANCE. IF
19 THE APPLICANT OR RECIPIENT REAPPLIES FOR FAMILY INDEPENDENCE
20 PROGRAM ASSISTANCE, HE OR SHE MUST <<NOT TEST POSITIVE FOR USE OF A
21 CONTROLLED SUBSTANCE WITH A DETERMINATION THAT THE USE OF THE
22 CONTROLLED SUBSTANCE WAS IN VIOLATION OF STATE LAW>> IN ORDER TO
23 RECEIVE FAMILY INDEPENDENCE
PROGRAM ASSISTANCE. THE DEPARTMENT MAY PROVIDE A REFERRAL TO THE
APPLICANT OR RECIPIENT TO THE <<DEPARTMENT-DESIGNATED COMMUNITY MENTAL
HEALTH ENTITIES>> FOR SUBSTANCE ABUSE TREATMENT.

(3) THE PILOT PROGRAM DESCRIBED IN SECTION 57Y SHALL CONCLUDE
ON MARCH 31, 2015.

<<(4) IF AN APPLICANT OR RECIPIENT WHO IS A PARENT AND HAS A
DEPENDENT CHILD IN HIS OR HER FAMILY INDEPENDENCE PROGRAM ASSISTANCE
GROUP BECOMES INELIGIBLE TO RECEIVE FAMILY INDEPENDENCE PROGRAM
ASSISTANCE UNDER THIS SECTION, ALL OF THE FOLLOWING APPLY:

(A) THE APPLICANT'S OR RECIPIENT'S DEPENDENT CHILD REMAINS ELIGIBLE
FOR FAMILY INDEPENDENCE PROGRAM ASSISTANCE.

(B) AN APPROPRIATE PROTECTIVE PAYEE SHALL BE DESIGNATED TO RECEIVE

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FAMILY INDEPENDENCE PROGRAM BENEFITS ON BEHALF OF THE CHILD.

(C) THE APPLICANT OR RECIPIENT DESCRIBED IN THIS SUBSECTION MAY CHOOSE TO DESIGNATE ANOTHER INDIVIDUAL TO RECEIVE THE FAMILY INDEPENDENCE PROGRAM BENEFITS ON BEHALF OF THE CHILD. THE DESIGNATED INDIVIDUAL MUST BE AN IMMEDIATE FAMILY MEMBER OR, IF AN IMMEDIATE FAMILY MEMBER IS NOT AVAILABLE OR THE FAMILY MEMBER DECLINES, ANOTHER INDIVIDUAL APPROVED BY THE DEPARTMENT.

(5) IF AN APPLICANT OR RECIPIENT IS REFERRED TO AND PARTICIPATES IN TREATMENT UNDER THIS SECTION, THE DEPARTMENT OR ANY APPLICABLE HEALTH PLAN THAT THE INDIVIDUAL MAY BE COVERED UNDER SHALL PAY FOR THAT TREATMENT.

24 (6) >> NOT LATER THAN APRIL 30, 2015, THE DEPARTMENT SHALL SUBMIT
25 A REPORT TO THE LEGISLATURE THAT INCLUDES, AT LEAST, ALL OF THE
26 FOLLOWING:

27 (A) THE NUMBER OF INDIVIDUALS SCREENED.

1 (B) THE NUMBER OF INDIVIDUALS SCREENED FOR WHOM THERE WAS A
2 REASONABLE SUSPICION OF ILLEGAL USE OF A CONTROLLED SUBSTANCE.

3 (C) THE NUMBER OF INDIVIDUALS WHO CONSENTED TO SUBMITTING TO A
4 SUBSTANCE ABUSE TEST.

5 (D) THE NUMBER OF INDIVIDUALS WHO REFUSED TO SUBMIT TO A
6 SUBSTANCE ABUSE TEST.

7 (E) THE NUMBER OF INDIVIDUALS WHO SUBMITTED TO A SUBSTANCE
8 ABUSE TEST WHO TESTED POSITIVE FOR <<USE OF A CONTROLLED SUBSTANCE
9 WITH A DETERMINATION THAT THE USE OF THE CONTROLLED SUBSTANCE WAS IN
VIOLATION OF STATE LAW.>>

10 (F) THE NUMBER OF INDIVIDUALS WHO SUBMITTED TO A SUBSTANCE
11 ABUSE TEST WHO TESTED NEGATIVE FOR << >> USE OF A CONTROLLED
12 SUBSTANCE.

<<(G) THE NUMBER OF INDIVIDUALS WHO TESTED POSITIVE FOR USE OF
A CONTROLLED SUBSTANCE WITH A DETERMINATION THAT THE USE OF THE
CONTROLLED SUBSTANCE WAS NOT IN VIOLATION OF STATE LAW.

13 (H)>> THE NUMBER OF INDIVIDUALS WHO TESTED POSITIVE FOR <<USE OF A
14 CONTROLLED SUBSTANCE WITH A DETERMINATION THAT THE USE OF THE
CONTROLLED SUBSTANCE WAS IN VIOLATION OF STATE LAW A SECOND OR
SUBSEQUENT TIME.

15 (I)>> THE AMOUNT OF THE COSTS INCURRED BY THE DEPARTMENT FOR
16 ADMINISTERING THE PROGRAM.

<<(J) THE NUMBER OF APPLICANTS AND RECIPIENTS WHO WERE REFERRED TO
THE DEPARTMENT-DESIGNATED COMMUNITY MENTAL HEALTH ENTITIES UNDER THIS
SECTION.

(K) SANCTIONS, IF ANY, THAT HAVE BEEN IMPOSED ON RECIPIENTS AS A
RESULT OF THE SUBSTANCE ABUSE TESTING UNDER THIS SECTION.

(7) ALL INFORMATION, INTERVIEWS, REPORTS, STATEMENTS, MEMORANDA,
AND SUBSTANCE ABUSE TEST RESULTS, WRITTEN OR OTHERWISE, RECEIVED BY THE
DEPARTMENT THROUGH A SUBSTANCE ABUSE SCREENING OR TESTING PROGRAM
REQUIRED UNDER THIS SECTION ARE CONFIDENTIAL COMMUNICATIONS SUBJECT TO
THE PRIVACY PROTECTIONS UNDER THE HEALTH INSURANCE PORTABILITY AND
ACCOUNTABILITY ACT OF 1996, PUBLIC LAW 104-191, AND MAY NOT BE USED OR
RECEIVED IN EVIDENCE, OBTAINED IN DISCOVERY OR DISCLOSED IN ANY PUBLIC OR
PRIVATE PROCEEDINGS, EXCEPT IN ACCORDANCE WITH THIS SECTION OR IN
DETERMINING ELIGIBILITY UNDER THIS ACT.

17 (8)>> FOR THE PURPOSES OF THIS SECTION AND SECTION 57Y ONLY, AN
18 APPLICANT OR RECIPIENT IS AN INDIVIDUAL WHO IS 18 YEARS OF AGE OR
19 OLDER.

20 <<(9)>> AS USED IN THIS SECTION AND SECTION 57Y, "CONTROLLED
S00915'13 (S-1)

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21 SUBSTANCE" MEANS THAT TERM AS DEFINED IN SECTION 7104 OF THE PUBLIC
22 HEALTH CODE, 1978 PA 368, MCL 333.7104.

<<(10) AS USED IN THIS SECTION, "DEPARTMENT-DESIGNATED COMMUNITY
MENTAL HEALTH ENTITY" MEANS THAT TERM AS DEFINED IN SECTION 100A OF THE
MENTAL HEALTH CODE, 1974 PA 258, MCL 330.1100A.>>

23 Enacting section 1. This amendatory act does not take effect
24 unless House Bill No. 4118 of the 97th Legislature is enacted into
25 law.