

HOUSE BILL No. 5474

April 23, 2014, Introduced by Rep. Schor and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 5801, 5805, 5815, 5817, 5821, 5823, 5825, 5828, 5831, 5835, 5841, 5843, 5847, 5863, 5871, 5874, and 5879 (MCL 333.5801, 333.5805, 333.5815, 333.5817, 333.5821, 333.5823, 333.5825, 333.5828, 333.5831, 333.5835, 333.5841, 333.5843, 333.5847, 333.5863, 333.5871, 333.5874, and 333.5879), section 5805 as amended by 1988 PA 236 and section 5817 as amended by 1998 PA 88; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

PART 58

~~CRIPPLED~~ CHILDREN AND YOUTH WITH SPECIAL HEALTH CARE NEEDS

Sec. 5801. (1) As used in this part, "~~crippled~~"child OR YOUTH WITH SPECIAL HEALTH CARE NEEDS" or "child" means a single or

1 married individual under 21 years of age whose activity is or may
2 become so restricted by disease or deformity as to reduce the
3 individual's normal capacity for education and self-support.

4 (2) In addition, article 1 contains general definitions and
5 principles of construction applicable to all articles in this code
6 and part 51 contains definitions applicable to this part.

7 Sec. 5805. (1) The department shall develop, extend, and
8 improve services:

9 (a) For locating ~~crippled~~ children **OR YOUTH WITH SPECIAL**
10 **HEALTH CARE NEEDS** and children suffering from conditions ~~which~~ **THAT**
11 **MAY** lead to ~~crippling~~ **A REDUCTION IN NORMAL CAPACITY FOR EDUCATION**
12 **AND SELF-SUPPORT BECAUSE OF DISEASE OR DEFORMITY** and ~~effective~~
13 ~~April 1, 1989,~~ for locating children reported to the department
14 pursuant to section 5721.

15 (b) For providing medical, surgical, corrective, nutritional,
16 and other services and care, including aftercare when necessary,
17 and facilities for diagnosis and hospitalization of ~~crippled~~
18 children **OR YOUTH WITH SPECIAL HEALTH CARE NEEDS**.

19 (c) For preventing, insofar as possible, ~~crippling~~ conditions
20 **THAT MAY LEAD TO A REDUCTION IN NORMAL CAPACITY FOR EDUCATION AND**
21 **SELF-SUPPORT BECAUSE OF DISEASE OR DEFORMITY**.

22 (2) The department shall refer children reported to the
23 department pursuant to section 5721 who are in need of services to
24 the appropriate services inside or outside of the department.

25 (3) The program shall be carried out for the purposes of
26 providing medical and physical care for ~~crippled~~ children **OR YOUTH**
27 **WITH SPECIAL HEALTH CARE NEEDS** and for making them self-sustaining

1 in whole or in part rather than dependent on the public for
2 support.

3 Sec. 5815. The department shall establish and administer a
4 program of services for ~~crippled~~ children **OR YOUTH WITH SPECIAL**
5 **HEALTH CARE NEEDS** and children who are suffering from conditions
6 which lead to ~~crippling~~. **A REDUCTION IN NORMAL CAPACITY FOR**
7 **EDUCATION AND SELF-SUPPORT BECAUSE OF DISEASE OR DEFORMITY.** In
8 implementing this part, the department shall promulgate rules:

9 (a) To prescribe requirements for the approval of facilities
10 and treatment centers, medical and surgical specialists, and other
11 providers.

12 (b) To regulate the conduct of clinics; handling of cases;
13 fixing of treatment fees, charges for correctional equipment, and
14 institutional rates; and prescribing procedures for audit and
15 payment of bills.

16 (c) To implement section 5841.

17 Sec. 5817. The department shall:

18 (a) Formulate and administer detailed plans to implement the
19 policy stated in section 5805. The plans shall include provisions
20 for:

21 (i) Financial participation by this state.

22 (ii) Administration of the plans including methods of
23 administration necessary for efficient operation of the plans.

24 (iii) Maintenance of records and preparation of reports of
25 services rendered.

26 (iv) Cooperation with medical, health, nursing, and welfare
27 groups and organizations, and with any agency of this state charged

1 with the administration of laws providing for vocational
2 rehabilitation and special education of children **OR YOUTH** with
3 ~~physical disabilities~~. **SPECIAL HEALTH CARE NEEDS.**

4 (b) Expend in accordance with the plans funds made available
5 to this state by the federal government for those purposes.

6 (c) Cooperate with the federal government, under title V of
7 the social security act, ~~chapter 531, 49 Stat. 620, 42 U.S.C.~~ **USC**
8 701 to 716, through its appropriate agency or instrumentality, in
9 developing, extending, and improving services, provided by this
10 part and in the administration of the plans.

11 Sec. 5821. (1) The department shall provide for diagnostic
12 clinics for ~~crippled~~-children **OR YOUTH WITH SPECIAL HEALTH CARE**
13 **NEEDS** in places, at times, and under circumstances it determines.
14 The department may purchase diagnostic services from outpatient
15 departments of approved hospitals and other facilities.

16 (2) Results of examinations at clinics shall be available to
17 parents and individuals and agencies providing social and remedial
18 services to ~~crippled~~-children **OR YOUTH WITH SPECIAL HEALTH CARE**
19 **NEEDS** where they are residents, unless otherwise prohibited by law.

20 Sec. 5823. When a ~~crippled~~-child **OR YOUTH WITH SPECIAL HEALTH**
21 **CARE NEEDS** is found whose condition can be treated and whose parent
22 or spouse is unable to provide proper care and treatment, a person
23 authorized by rule shall apply to a designated representative of
24 the department for eligibility for services under this part. The
25 representative shall make a financial investigation and secure
26 medical evidence as to the condition of the child. A copy of the
27 report of the financial investigation and the report of a physician

1 or dentist, if any, shall be sent to the department.

2 Sec. 5825. Upon receipt of the financial and medical reports,
3 the department shall promptly consider the matter and make a
4 determination of eligibility. The department shall authorize the
5 transportation of an eligible ~~crippled~~-child **OR YOUTH WITH SPECIAL**
6 **HEALTH CARE NEEDS** to a provider of services approved and designated
7 by the department. The department shall monitor the proper handling
8 of the case and may transfer the ~~crippled~~-child **OR YOUTH WITH**
9 **SPECIAL HEALTH CARE NEEDS** to some other provider for treatment
10 better adapted to the child's needs. In making referrals under this
11 part the department shall not discriminate against health
12 professionals qualified to render care.

13 Sec. 5828. The administrator of a hospital shall provide a bed
14 in the hospital to which a ~~crippled~~-child **OR YOUTH WITH SPECIAL**
15 **HEALTH CARE NEEDS** shall be assigned for operation or treatment, or
16 both, of the child's disease or deformity. The physician or surgeon
17 approved by the department shall proceed as promptly as necessary
18 to perform or give a necessary operation or treatment.

19 Sec. 5831. (1) An approved hospital receiving ~~crippled~~
20 children **OR YOUTH WITH SPECIAL HEALTH CARE NEEDS** shall send to the
21 department written reports on forms furnished by the department
22 which shall contain dates of admission and discharge, names of
23 approved physicians and surgeons, and other information the
24 department requires.

25 (2) The times for making the reports shall conform to
26 applicable state and federal requirements.

27 Sec. 5835. (1) An approved hospital shall arrange with the

1 local school district in which a child resides to provide or
2 contract for educational services for a convalescent ~~crippled~~-child
3 **OR YOUTH WITH SPECIAL HEALTH CARE NEEDS.**

4 (2) Courses of study, attendance record systems, adequacy of
5 methods of instruction, qualifications of teachers and conditions
6 under which they are employed, and purchases of necessary equipment
7 for the instruction of ~~crippled~~-children **OR YOUTH WITH SPECIAL**
8 **HEALTH CARE NEEDS** in the hospital shall comply with requirements
9 prescribed by the department of education.

10 (3) A hospital shall keep daily records on the regular child
11 accounting forms used in the public schools, listing all children
12 actually receiving instruction.

13 Sec. 5841. (1) All or part of the charges for the care and
14 treatment of a ~~crippled~~-child ~~where~~-**OR YOUTH WITH SPECIAL HEALTH**
15 **CARE NEEDS IF** the child, parent, or spouse is of sufficient ability
16 to pay shall be paid to the department of treasury by those persons
17 in the amount and at a rate determined by agreement with the
18 department. Upon admission to service of the ~~crippled~~-child **OR**
19 **YOUTH WITH SPECIAL HEALTH CARE NEEDS**, the department of ~~public~~
20 **COMMUNITY** health shall furnish the department of treasury
21 information required to keep a correct account of the money due the
22 state from the child, parent, or spouse. Payment of the costs by
23 the child, parent, or spouse shall be made to the department of
24 treasury in accordance with the agreement. The department of
25 treasury shall credit the payments to the ~~crippled children's~~
26 **CHILDREN OR YOUTH WITH SPECIAL HEALTH CARE NEEDS** fund.

27 (2) The department may modify or cancel an agreement made

1 under this section based on economic or other factors and shall
2 report that action to the department of treasury.

3 (3) The department of treasury may accept and issue a receipt
4 for an amount due under an agreement or modification under this
5 section.

6 Sec. 5843. This state shall be subrogated to the rights of
7 recovery which a child, parent, spouse, or guardian may have
8 against a liable third party for the cost of care and surgical and
9 medical treatment provided for a ~~crippled~~ child **OR YOUTH WITH**
10 **SPECIAL HEALTH CARE NEEDS** under this part to the extent that the
11 state has spent moneys for that care and treatment.

12 Sec. 5847. Payments made by the state pursuant to this part
13 are not considered social services aid, and an individual is not
14 considered an indigent because of inability to pay for the care and
15 treatment of a ~~crippled~~ child **OR YOUTH WITH SPECIAL HEALTH CARE**
16 **NEEDS**.

17 Sec. 5863. The department of treasury shall:

18 (a) Receive money granted to this state by the federal
19 government under this part.

20 (b) Keep the money in a special fund to be known as the
21 "~~crippled children's~~" **CHILDREN OR YOUTH WITH SPECIAL HEALTH CARE**
22 **NEEDS** fund".

23 (c) Disburse **MONEY FROM** the fund on certification by the
24 department of ~~public~~ **COMMUNITY** health.

25 Sec. 5871. (1) A department official, agent, or representative
26 shall not enter a home or take charge of a ~~crippled~~ child **OR YOUTH**
27 **WITH SPECIAL HEALTH CARE NEEDS** over the objection of a parent, the

1 person standing in loco parentis, or the person having custody of
2 the child.

3 (2) This part does not limit the power of a parent, guardian,
4 or person standing in loco parentis to accept or refuse the
5 treatment offered under this part for a ~~crippled~~-child **OR YOUTH**
6 **WITH SPECIAL HEALTH CARE NEEDS** or by an agency employed for that
7 purpose.

8 Sec. 5874. Records as to ~~crippled~~-children **OR YOUTH WITH**
9 **SPECIAL HEALTH CARE NEEDS** are confidential to the extent required
10 by state and federal statutes and rules. Disclosure of information
11 shall be consistent with part 26.

12 Sec. 5879. (1) A person who wilfully makes a false statement
13 or wilfully gives false information for the purpose of securing aid
14 under this part is guilty of a misdemeanor.

15 (2) An official of a hospital or a physician or dentist who
16 bills the state for the care of a ~~crippled~~-child **OR YOUTH WITH**
17 **SPECIAL HEALTH CARE NEEDS** in accordance with the fee schedules
18 established under this part and also attempts to force a parent,
19 relative, or guardian of the child to pay an additional sum for the
20 care is guilty of a misdemeanor.

21 Enacting section 1. Section 5811 of the public health code,
22 1978 PA 368, MCL 333.5811, is repealed.