

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 4205

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending the heading of part 58 and sections 5801, 5805, 5815,
5817, 5821, 5823, 5825, 5828, 5831, 5835, 5841, 5843, 5847, 5863,
5871, 5874, 5879, and 17711 (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, 333.5879, and 333.17711), section 5805 as amended by 1988
PA 236, section 5817 as amended by 1998 PA 88, and section 17711 as
amended by 2014 PA 413; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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PART 58

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

Sec. 5801. (1) As used in this part, "~~crippled~~" child OR YOUTH

1 **WITH SPECIAL HEALTH CARE NEEDS**" or "child" means a single or
 2 married individual under 21 years of age whose activity is or may
 3 become so restricted by disease or ~~deformity~~**SPECIFIED MEDICAL**
 4 **CONDITION** as to reduce the individual's normal capacity for
 5 education and self-support.

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

9 Sec. 5805. (1) The department shall develop, extend, and
 10 improve services **FOR THE FOLLOWING PURPOSES:**

11 (a) ~~For locating crippled children and children suffering from~~
 12 ~~conditions which lead to crippling and, effective April 1, 1989,~~
 13 ~~for locating children~~**TO LOCATE A CHILD OR YOUTH WITH SPECIAL**
 14 **HEALTH CARE NEEDS** reported to the department pursuant to section
 15 5721.

16 (b) ~~For providing~~**TO PROVIDE** medical, surgical, corrective,
 17 nutritional, and other services and care, including aftercare ~~when~~
 18 **IF** necessary, and **TO PROVIDE** facilities for ~~diagnosis~~**DIAGNOSING**
 19 ~~and hospitalization of crippled children.~~**HOSPITALIZING A CHILD OR**
 20 **YOUTH WITH SPECIAL HEALTH CARE NEEDS.**

21 (c) ~~For preventing, insofar as~~**TO THE EXTENT** possible,
 22 ~~crippling conditions.~~**TO PREVENT DISEASES AND SPECIFIED MEDICAL**
 23 **CONDITIONS THAT REDUCE AN INDIVIDUAL'S NORMAL CAPACITY FOR**
 24 **EDUCATION AND SELF-SUPPORT.**

25 (2) The department shall refer ~~children~~**A CHILD** reported to
 26 the department ~~pursuant to~~**UNDER** section 5721 who ~~are~~**IS** in need of
 27 services to the appropriate services inside or outside of the

1 department.

2 (3) The **DEPARTMENT SHALL CARRY OUT THE** program ~~shall be~~
 3 ~~carried out~~ **ESTABLISHED UNDER SECTION 5815** for the purposes of
 4 providing medical and physical care for crippled children and for
 5 making them self-sustaining in whole or in part rather than
 6 dependent on the public for support. **CARE AND TREATMENT TO IMPROVE**
 7 **OR MAINTAIN HEALTH AND ENHANCE THE QUALITY OF LIFE FOR CHILDREN AND**
 8 **YOUTH WITH SPECIAL HEALTH CARE NEEDS.**

9 Sec. 5815. The department shall establish and administer a
 10 program of services for ~~crippled children~~ **AND YOUTH WITH SPECIAL**
 11 **HEALTH CARE NEEDS** and children who are suffering from conditions
 12 which lead to ~~crippling~~. **SPECIAL HEALTH CARE NEEDS BECAUSE OF**
 13 **DISEASE OR SPECIFIED MEDICAL CONDITION.** In implementing this part,
 14 the department shall promulgate rules **THAT DO ALL OF THE FOLLOWING:**

15 ~~—— (a) To prescribe requirements for the approval of facilities~~
 16 ~~and treatment centers, medical and surgical specialists, and other~~
 17 ~~providers.~~

18 ~~—— (b) To regulate the conduct of clinics; handling of cases;~~
 19 ~~fixing of treatment fees, charges for correctional equipment, and~~
 20 ~~institutional rates; and prescribing procedures for audit and~~
 21 ~~payment of bills.~~

22 **(A) PROVIDE FOR THE MONITORING OF THE AVAILABILITY AND QUALITY**
 23 **OF FACILITIES, TREATMENT CENTERS, MEDICAL AND SURGICAL SPECIALISTS,**
 24 **AND OTHER PROVIDERS FOR CHILDREN OR YOUTH WITH SPECIAL HEALTH CARE**
 25 **NEEDS.**

26 **(B)** ~~(c) To implement~~ **IMPLEMENT** section 5841.

27 Sec. 5817. The department shall **DO ALL OF THE FOLLOWING:**

1 (a) Formulate and administer detailed ~~plans~~ **POLICIES** to
2 implement the ~~policy~~ **PROGRAM SERVICES** stated in section 5805. The
3 ~~plans~~ **DEPARTMENT** shall include ~~provisions for~~ **ALL OF THE FOLLOWING**
4 **IN THE POLICIES UNDER THIS SUBDIVISION:**

5 (i) Financial participation by this state.

6 (ii) Administration ~~of the plans including methods of~~
7 ~~administration~~ necessary for efficient operation of the
8 ~~plans~~ **POLICIES.**

9 (iii) Maintenance of records and preparation of reports of
10 services rendered.

11 (iv) Cooperation with ~~medical, health, nursing, and welfare~~
12 ~~groups and organizations,~~ **HEALTH AND HUMAN SERVICES ORGANIZATIONS**
13 and with any agency of this state charged with the administration
14 of laws providing for vocational rehabilitation and special
15 education of children **AND YOUTH** with ~~physical disabilities~~ **SPECIAL**
16 **HEALTH CARE NEEDS.**

17 (b) Expend in accordance with the ~~plans funds~~ **POLICIES AND**
18 **MONEY** made available to this state by the federal government for
19 those purposes.

20 (C) **DEVELOP SYSTEMS OF CARE THAT ARE COMMUNITY BASED,**
21 **COMPREHENSIVE, CULTURALLY COMPETENT, COORDINATED, AND FAMILY**
22 **CENTERED.**

23 (D) ~~(e)~~ Cooperate with the federal government, under title V
24 of the social security act, ~~chapter 531, 49 Stat. 620, 42 U.S.C.~~
25 **USC 701 to 716, 713,** through its appropriate agency or
26 instrumentality, in developing, extending, and improving services,
27 provided by this part and in the administration of the

1 ~~plans.~~**POLICIES.**

2 Sec. 5821. (1) The department shall provide for diagnostic
3 clinics for ~~crippled~~-children **AND YOUTH WITH SPECIAL HEALTH CARE**
4 **NEEDS** in places, at times, and under circumstances it determines.
5 The department may purchase diagnostic services from outpatient
6 departments of approved hospitals and other facilities.

7 (2) ~~Results~~**THE DEPARTMENT SHALL MAKE RESULTS** of examinations
8 at clinics ~~shall be~~ available to parents and individuals and
9 agencies providing ~~social and remedial~~ services to ~~crippled~~
10 children ~~where they are residents,~~ **AND YOUTH WITH SPECIAL HEALTH**
11 **CARE NEEDS**, unless otherwise prohibited by law.

12 Sec. 5823. ~~When~~**IF** a ~~crippled~~-child **OR YOUTH WITH SPECIAL**
13 **HEALTH CARE NEEDS** is found ~~whose condition can be treated and whose~~
14 ~~parent or spouse is unable to provide proper care and treatment,~~
15 **IDENTIFIED**, a person authorized by rule shall ~~shall~~**MAY** apply to a
16 ~~designated representative of the department for eligibility for~~
17 services under this part. The ~~representative~~**DEPARTMENT** shall ~~make~~
18 a ~~financial investigation~~**INVESTIGATE** and secure medical evidence
19 as to the condition of the child. ~~A copy of the report of the~~
20 ~~financial investigation and the report of a physician or dentist,~~
21 ~~if any, shall be sent to the department.~~

22 Sec. 5825. Upon ~~receipt~~**COMPLETION** of the ~~financial and~~
23 ~~medical reports,~~**INVESTIGATION UNDER SECTION 5823**, the department
24 shall promptly ~~consider the matter and~~ make a determination of
25 **MEDICAL** eligibility. **IF THE DEPARTMENT DETERMINES THAT THE CHILD OR**
26 **YOUTH WITH SPECIAL HEALTH CARE NEEDS IS MEDICALLY ELIGIBLE FOR**
27 **SERVICES UNDER THIS PART, THE DEPARTMENT SHALL PERFORM A FINANCIAL**

1 **ASSESSMENT TO DETERMINE COST SHARING RESPONSIBILITIES.** The
 2 department shall authorize the transportation of an eligible
 3 ~~crippled child~~ **OR YOUTH WITH SPECIAL HEALTH CARE NEEDS** to a
 4 provider of services approved and designated by the department. The
 5 ~~department shall monitor the proper handling of the case and may~~
 6 ~~transfer the crippled~~ **IN CONSULTATION WITH THE FAMILY, THE**
 7 **DEPARTMENT MAY FACILITATE TRANSFER OF A** child **OR YOUTH WITH SPECIAL**
 8 **HEALTH CARE NEEDS** to ~~some other~~ **A** provider for treatment better
 9 adapted to the child's needs. In making referrals under this part
 10 the department shall not discriminate against health professionals
 11 qualified to render care.

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

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

26 (2) The ~~times~~ **TIME** for making the ~~reports~~ **shall REPORT UNDER**
 27 **SUBSECTION (1) MUST** conform to applicable state and federal

1 requirements.

2 Sec. 5835. (1) ~~An approved hospital shall arrange with the~~
3 ~~local school district in which a child resides to provide or~~
4 ~~contract for educational services for a convalescent crippled~~
5 ~~child.~~ **UPON RECEIVING THE PARENT'S CONSENT, AN APPROVED HOSPITAL**
6 **SHALL ARRANGE WITH THE LOCAL SCHOOL DISTRICT IN WHICH A CHILD**
7 **RESIDES TO PROVIDE OR CONTRACT FOR EDUCATIONAL SERVICES FOR THE**
8 **HOSPITALIZED CHILD.**

9 (2) Courses of study, attendance record systems, adequacy of
10 methods of instruction, qualifications of teachers and conditions
11 under which they are employed, and purchases of necessary equipment
12 for the instruction of ~~crippled children in the hospital shall~~ **A**
13 **HOSPITALIZED CHILD OR YOUTH WITH SPECIAL HEALTH CARE NEEDS MUST**
14 comply with requirements prescribed by the department of education.

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

18 Sec. 5841. (1) All or part of the charges for the **MEDICAL** care
19 and treatment of a ~~crippled child where~~ **OR YOUTH WITH SPECIAL**
20 **HEALTH CARE NEEDS MUST BE PAID TO THE DEPARTMENT OF TREASURY BY** the
21 child, parent, or spouse, ~~is of sufficient~~ **IF THAT INDIVIDUAL HAS**
22 **THE** ability to pay. ~~shall be paid to the department of treasury by~~
23 ~~these persons~~ **THE PAYMENT MUST BE** in the amount and at a rate
24 determined by agreement ~~with~~ **BETWEEN THE INDIVIDUAL AND** the
25 department. Upon admission to service ~~TREATMENT~~ of the ~~crippled~~
26 child **OR YOUTH WITH SPECIAL HEALTH CARE NEEDS**, the department of
27 ~~public health~~ shall furnish the department of treasury information

1 required to keep a correct account of the money due ~~the~~ **THIS** state
2 from the child, parent, or spouse. ~~Payment of the costs by the~~
3 ~~child, parent, or spouse shall be made to the department of~~
4 ~~treasury in accordance with the agreement.~~ The department of
5 treasury shall credit the **PARENT PARTICIPATION** payments to the
6 ~~crippled children's~~ **PARENT PARTICIPATION** fund.

7 (2) The department may modify or cancel an agreement made
8 under this section based on economic or other factors and shall
9 report that action to the department of treasury.

10 (3) The department of treasury may accept and issue a receipt
11 for an amount due under an agreement or modification **TO AN**
12 **AGREEMENT** under this section.

13 Sec. 5843. This state ~~shall be~~ **IS** subrogated to the rights of
14 recovery ~~which~~ **THAT** a child, parent, spouse, or guardian may have
15 against a liable third party for the cost of care and surgical and
16 medical treatment provided ~~for~~ **TO** a ~~crippled~~ child **OR YOUTH WITH**
17 **SPECIAL HEALTH CARE NEEDS** under this part to the extent that the
18 state has spent ~~moneys~~ **MONEY** for that care and treatment.

19 Sec. 5847. Payments made by ~~the~~ **THIS** state ~~pursuant to~~ **UNDER**
20 this part are not considered social services aid, and an individual
21 is not considered an indigent because of **HIS OR HER** inability to
22 pay for the care and treatment of a ~~crippled~~ child **OR YOUTH WITH**
23 **SPECIAL HEALTH CARE NEEDS**.

24 Sec. 5863. The department of treasury shall **DO ALL OF THE**
25 **FOLLOWING**:

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

1 ~~—— (b) Keep the money in a special fund to be known as the~~
 2 ~~"crippled children's fund".~~

3 **(B) RECEIVE PAYMENTS AS PROVIDED IN SECTION 5841 AND KEEP THAT**
 4 **MONEY IN THE PARENT PARTICIPATION FUND.**

5 (c) Disburse **MONEY FROM** the ~~fund~~ **FUNDS** on certification by the
 6 department. ~~of public health.~~

7 Sec. 5871. (1) A department official, agent, or representative
 8 shall not enter a home or take charge of a ~~crippled~~ **child OR YOUTH**
 9 **WITH SPECIAL HEALTH CARE NEEDS** over the objection of a parent, ~~the~~
 10 **A GUARDIAN, A person standing in loco parentis, or the person**
 11 ~~having~~ **THAT HAS** custody of the child.

12 (2) This part does not limit the power of a parent, guardian,
 13 or person ~~standing in loco parentis~~ **OF THE CHILD** to accept or
 14 refuse the ~~treatment~~ **SERVICES** offered under this part for a
 15 ~~crippled~~ **child OR YOUTH WITH SPECIAL HEALTH CARE NEEDS** or by an
 16 agency employed for that purpose.

17 Sec. 5874. Records ~~as to crippled children~~ **REGARDING A CHILD**
 18 **OR YOUTH WITH SPECIAL HEALTH CARE NEEDS** are confidential to the
 19 extent required by state and federal statutes and rules. ~~Disclosure~~
 20 **PART 26 APPLIES TO THE DISCLOSURE** of information ~~shall be~~
 21 ~~consistent with part 26.~~ **REGARDING A CHILD OR YOUTH WITH SPECIAL**
 22 **HEALTH CARE NEEDS UNDER THIS PART.**

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

26 (2) An official of a hospital or a physician or dentist who
 27 bills ~~the~~ **THIS** state for the care of a ~~crippled~~ **child OR YOUTH WITH**

1 **SPECIAL HEALTH CARE NEEDS** in accordance with the fee schedules
2 established under this part and **WHO** also attempts to force a
3 parent, relative, or guardian of the child to pay an additional sum
4 for the care is guilty of a misdemeanor.

5 Sec. 17711. (1) An individual shall not engage in the practice
6 of pharmacy unless licensed or otherwise authorized by this
7 article. Beginning ~~June 30,~~**OCTOBER 1,** 2015, an individual shall
8 not serve as a pharmacy technician unless licensed or otherwise
9 authorized by this article.

10 (2) The following words, titles, or letters or a combination
11 of words, titles, or letters, with or without qualifying words or
12 phrases, are restricted in use only to those persons authorized
13 under this part to use the terms and in a way prescribed in this
14 part: "pharmacy", "pharmacist", "Pharm.D", "doctor of pharmacy",
15 "pharmacy intern", "pharmacy technician", "licensed pharmacy
16 technician", "certified pharmacy technician", "CPhT", "apothecary",
17 "dispensary", "drugstore", "druggist", "medicine store",
18 "prescriptions", and "r.ph.".

19 Enacting section 1. Section 5811 of the public health code,
20 1978 PA 368, MCL 333.5811, is repealed.