

# HOUSE BILL No. 4205

February 17, 2015, 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 the heading of part 58 and 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 married individual under 21 years of age whose activity is or may

1 become so restricted by disease or deformity as to reduce the  
2 individual's normal capacity for education and self-support.

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

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

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

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

18 ~~(c) For preventing, insofar as~~ **TO THE EXTENT** possible,  
19 ~~crippling conditions.~~ **TO PREVENT DISEASES AND DEFORMITIES THAT**  
20 **REDUCE AN INDIVIDUAL'S NORMAL CAPACITY FOR EDUCATION AND SELF-**  
21 **SUPPORT.**

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

26 (3) The **DEPARTMENT SHALL CARRY OUT THE** program ~~shall be~~  
27 ~~carried out~~ **ESTABLISHED UNDER SECTION 5815** for the purposes of

1 providing medical and physical care for crippled children and for  
 2 making them self-sustaining in whole or in part rather than  
 3 dependent on the public for support. **CARE AND TREATMENT TO IMPROVE**  
 4 **OR MAINTAIN HEALTH AND ENHANCE THE QUALITY OF LIFE FOR CHILDREN AND**  
 5 **YOUTH WITH SPECIAL HEALTH CARE NEEDS.**

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

12 ~~—— (a) To prescribe requirements for the approval of facilities~~  
 13 ~~and treatment centers, medical and surgical specialists, and other~~  
 14 ~~providers.~~

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

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

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

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

25 (a) Formulate and administer detailed ~~plans~~ **POLICIES** to  
 26 implement the ~~policy~~ **PROGRAM SERVICES** stated in section 5805. The  
 27 ~~plans~~ **DEPARTMENT** shall include ~~provisions for~~ **ALL OF THE FOLLOWING**

1 **IN THE POLICIES UNDER THIS SUBDIVISION:**

2 (i) Financial participation by this state.

3 (ii) Administration ~~of the plans including methods of~~  
4 ~~administration~~ necessary for efficient operation of the  
5 ~~plans.~~ **POLICIES.**

6 (iii) Maintenance of records and preparation of reports of  
7 services rendered.

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

14 (b) Expend in accordance with the plans ~~funds~~ **MONEY** made  
15 available to this state by the federal government for those  
16 purposes.

17 **(C) DEVELOP SYSTEMS OF CARE THAT ARE COMMUNITY BASED,**  
18 **COMPREHENSIVE, CULTURALLY COMPETENT, COORDINATED, AND FAMILY**  
19 **CENTERED.**

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

25 Sec. 5821. (1) The department shall provide for diagnostic  
26 clinics for ~~crippled~~ children **AND YOUTH WITH SPECIAL HEALTH CARE**  
27 **NEEDS** in places, at times, and under circumstances it determines.

1 The department may purchase diagnostic services from outpatient  
2 departments of approved hospitals and other facilities.

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

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

18 Sec. 5825. Upon ~~receipt~~ **COMPLETION** of the financial and  
19 medical ~~reports,~~ **DETERMINATIONS UNDER SECTION 5823**, the department  
20 shall promptly ~~consider the matter and~~ make a determination of  
21 eligibility. The department shall authorize the transportation of  
22 an eligible ~~crippled~~ child **OR YOUTH WITH SPECIAL HEALTH CARE NEEDS**  
23 to a provider of services approved and designated by the  
24 department. ~~The department shall monitor the proper handling of the~~  
25 ~~ease and may transfer the crippled~~ **IN CONSULTATION WITH THE FAMILY,**  
26 **THE DEPARTMENT MAY FACILITATE TRANSFER OF A** child **OR YOUTH WITH**  
27 **SPECIAL HEALTH CARE NEEDS** to ~~some other~~ **A** provider for treatment

1 better adapted to the child's needs. In making referrals under this  
 2 part the department shall not discriminate against health  
 3 professionals qualified to render care.

4 Sec. 5828. The administrator of a hospital shall provide a bed  
 5 in the hospital to which a ~~crippled child shall be~~ **OR YOUTH WITH**  
 6 **SPECIAL HEALTH CARE NEEDS IS** assigned for operation or treatment,  
 7 or both, of the child's disease or deformity. The physician or  
 8 surgeon approved by the department shall proceed as promptly as  
 9 necessary to perform or give a necessary operation or treatment.

10 Sec. 5831. (1) An approved hospital receiving ~~crippled~~  
 11 ~~children~~ **A CHILD OR YOUTH WITH SPECIAL HEALTH CARE NEEDS** shall send  
 12 to the department **A** written ~~reports~~ **REPORT** on ~~forms~~ **A FORM**  
 13 furnished by the department ~~which shall contain dates~~ **THAT CONTAINS**  
 14 **THE DATE** of admission and discharge, **THE** names of approved  
 15 physicians and surgeons, and other information the department  
 16 requires.

17 (2) The ~~times~~ **TIME** for making the ~~reports~~ **REPORT UNDER**  
 18 **SUBSECTION (1) MUST** conform to applicable state and federal  
 19 requirements.

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

27 (2) Courses of study, attendance record systems, adequacy of

1 methods of instruction, qualifications of teachers and conditions  
2 under which they are employed, and purchases of necessary equipment  
3 for the instruction of ~~crippled children in the hospital shall~~ **A**  
4 **HOSPITALIZED CHILD OR YOUTH WITH SPECIAL HEALTH CARE NEEDS MUST**  
5 comply with requirements prescribed by the department of education.

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

9 Sec. 5841. (1) All or part of the charges for the **MEDICAL** care  
10 and treatment of a ~~crippled child where~~ **OR YOUTH WITH SPECIAL**  
11 **HEALTH CARE NEEDS MUST BE PAID TO THE DEPARTMENT OF TREASURY BY** the  
12 child, parent, or spouse, ~~is of sufficient~~ **IF THAT INDIVIDUAL HAS**  
13 **THE** ability to pay. ~~shall be paid to the department of treasury by~~  
14 ~~these persons~~ **THE PAYMENT MUST BE** in the amount and at a rate  
15 determined by agreement ~~with~~ **BETWEEN THE INDIVIDUAL AND** the  
16 department. Upon ~~admission to service~~ **TREATMENT** of the ~~crippled~~  
17 child **OR YOUTH WITH SPECIAL HEALTH CARE NEEDS**, the department of  
18 ~~public~~ **COMMUNITY** health shall furnish the department of treasury  
19 information required to keep a correct account of the money due ~~the~~  
20 **THIS** state from the child, parent, or spouse. ~~Payment of the costs~~  
21 ~~by the child, parent, or spouse shall be made to the department of~~  
22 ~~treasury in accordance with the agreement.~~ The department of  
23 treasury shall credit the payments to the ~~crippled children's~~  
24 **CHILDREN AND YOUTH WITH SPECIAL HEALTH CARE NEEDS** fund.

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

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

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

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

15           Sec. 5863. The department of treasury shall **DO ALL OF THE**  
16 **FOLLOWING**:

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

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

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

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



1 ~~having~~ **THAT HAS** custody of the child.

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

7 Sec. 5874. Records ~~as to crippled children~~ **REGARDING A CHILD**  
8 **OR YOUTH WITH SPECIAL HEALTH CARE NEEDS** are confidential to the  
9 extent required by state and federal statutes and rules. ~~Disclosure~~  
10 **PART 26 APPLIES TO THE DISCLOSURE** of information ~~shall be~~  
11 ~~consistent with part 26.~~ **REGARDING A CHILD OR YOUTH WITH SPECIAL**  
12 **HEALTH CARE NEEDS UNDER THIS PART.**

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

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

22 Enacting section 1. Section 5811 of the public health code,  
23 1978 PA 368, MCL 333.5811, is repealed.