

# HOUSE BILL No. 4366

March 1, 2007, Introduced by Reps. Emmons, Nitz, Huizenga, Hoogendyk, Moolenaar, Walker, Clack, Hildenbrand, Tobocman, Wenke, Caul, Stakoe, Farrah, Hune, Gaffney, Amos, Marleau, Palmer, Mayes, Warren, Green, Stahl, Hopgood, Alma Smith, Sheltroun, Sheen, Casperson, Meekhof, Robert Jones and Cheeks and referred to the Committee on Senior Health, Security, and Retirement.

A bill to amend 1939 PA 280, entitled  
"The social welfare act,"  
(MCL 400.1 to 400.119b) by adding section 109k.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           SEC. 109K. (1) THE DIRECTOR OF THE DEPARTMENT OF COMMUNITY  
2 HEALTH OR HIS OR HER AGENT SHALL SEEK APPROVAL FROM THE CENTERS FOR  
3 MEDICARE AND MEDICAID SERVICES TO AMEND THE EXISTING HOME- AND  
4 COMMUNITY-BASED SERVICES WAIVER TO INCLUDE FUNDING FOR THE HOUSING  
5 COMMISSION ASSISTED LIVING PROGRAM FOR UP TO 600 INDIVIDUALS IN AN  
6 ELIGIBLE HOME FOR THE AGED OR FOR LICENSED MEDICAID PROVIDERS  
7 DELIVERING SUPPORTIVE SERVICES IN FACILITIES OWNED BY, UNDER  
8 CONTRACT WITH, OR ADMINISTERED BY HOUSING COMMISSIONS. THE AMENDED  
9 WAIVER SHALL BE PROJECT-BASED. THE MONEY DESIGNATED FOR THE PROGRAM  
10 DESCRIBED IN THIS SECTION SHALL REMAIN WITH THIS PROGRAM AND SHALL

1 NOT FOLLOW THE INDIVIDUAL IF HE OR SHE LEAVES THE PROGRAM OR  
2 BECOMES INELIGIBLE FOR THE PROGRAM.

3 (2) THE DIRECTOR OF THE DEPARTMENT OF COMMUNITY HEALTH OR HIS  
4 OR HER AGENT SHALL FORMULATE THE WAIVER AMENDMENT APPLICATION AND  
5 SHALL SUBMIT THE WAIVER REQUEST NOT LATER THAN 45 DAYS AFTER THE  
6 EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION.

7 (3) THE WAIVER OBTAINED UNDER THIS SECTION SHALL BE REVIEWED  
8 AND EXPANDED PERIODICALLY IN CONSULTATION WITH THE DIRECTOR OF  
9 COMMUNITY HEALTH.

10 (4) SUPPORTIVE SERVICES PAID FOR WITH STATE OR FEDERAL MONEY  
11 IN AN ELIGIBLE HOME FOR THE AGED OR PROVIDED BY A MEDICAID PROVIDER  
12 IN A FACILITY OWNED BY, UNDER CONTRACT WITH, OR ADMINISTERED BY A  
13 HOUSING COMMISSION SHALL BE PROVIDED TO INDIVIDUALS WHO ARE  
14 ELIGIBLE FOR OR AT RISK FOR PLACEMENT IN A NURSING FACILITY AND  
15 WHOSE COMPREHENSIVE ASSESSMENT INDICATES THAT THE INDIVIDUAL IS  
16 ABLE TO RECEIVE APPROPRIATE CARE IN THE ELIGIBLE HOME FOR THE AGED  
17 OR BY THE MEDICAID PROVIDER.

18 (5) REIMBURSEMENT TO ELIGIBLE HOME FOR THE AGED AND MEDICAID  
19 PROVIDERS DELIVERING SUPPORTIVE SERVICES IN A FACILITY OWNED BY,  
20 UNDER CONTRACT WITH, OR ADMINISTERED BY A HOUSING COMMISSION SHALL  
21 BE \$32.00 PER DAY PER ELIGIBLE RECIPIENT. THE REIMBURSEMENT RATE  
22 MAY BE ADJUSTED ON OCTOBER 1 EACH YEAR BASED ON THE AVERAGE  
23 PERCENTAGE INCREASE OR DECREASE OF THE DETROIT CONSUMER PRICE INDEX  
24 FOR THE 12-MONTH STATE FISCAL YEAR ENDING THE PRECEDING SEPTEMBER  
25 30.

26 (6) THE DEPARTMENT OF COMMUNITY HEALTH MAY CONTRACT WITH  
27 ELIGIBLE HOUSING COMMISSIONS FOR REIMBURSEMENT.

1           (7) UPON IMPLEMENTATION OF THE PROGRAM ESTABLISHED IN THIS  
2 SECTION, THE DEPARTMENT OF COMMUNITY HEALTH OR ITS AGENT AND  
3 PARTICIPATING HOUSING COMMISSIONS SHALL MONITOR, EVALUATE, AND  
4 REPORT ON THE QUALITATIVE BENEFITS AND COST-EFFECTIVENESS OF THE  
5 PROGRAM. THE DEPARTMENT OF COMMUNITY HEALTH SHALL SUBMIT THE REPORT  
6 REQUIRED UNDER THIS SUBSECTION TO THE SENATE AND HOUSE  
7 APPROPRIATIONS SUBCOMMITTEES ON THE DEPARTMENT OF COMMUNITY HEALTH  
8 BUDGET, THE SENATE AND HOUSE STANDING COMMITTEES ON HUMAN SERVICES,  
9 THE SENATE AND HOUSE FISCAL AGENCIES, AND THE SENATE AND HOUSE  
10 POLICY OFFICES.

11           (8) AS USED IN THIS SECTION:

12           (A) "COMPREHENSIVE ASSESSMENT" MEANS A TOOL APPROVED BY THE  
13 DEPARTMENT OF COMMUNITY HEALTH TO DETERMINE THE LEVEL OF SUPPORTIVE  
14 SERVICES REQUIRED BY AN INDIVIDUAL.

15           (B) "ELIGIBLE HOME FOR THE AGED" MEANS A HOME FOR THE AGED AS  
16 DEFINED IN SECTION 20106(3) OF THE PUBLIC HEALTH CODE, 1978 PA 368,  
17 MCL 333.20106, THAT PROVIDES SERVICES TO MEDICAID RECIPIENTS UNDER  
18 A WRITTEN CONTRACT WITH THE DEPARTMENT OF COMMUNITY HEALTH OR ITS  
19 AGENT OR THAT HAS ENTERED INTO AN AGREEMENT OF ENROLLMENT UNDER  
20 SECTION 111B(4).

21           (C) "HOUSING COMMISSION" MEANS A HOUSING COMMISSION CREATED  
22 UNDER 1933 (EX SESS) PA 18, MCL 125.651 TO 125.709C.

23           (D) "LOW INCOME" AND "MODERATE INCOME" ARE THOSE TERMS AS  
24 DETERMINED AND PUBLISHED ANNUALLY BY THE UNITED STATES DEPARTMENT  
25 OF HOUSING AND URBAN DEVELOPMENT FOR FEDERALLY SUBSIDIZED HOUSING  
26 DEVELOPMENTS.

27           (E) "SUPPORTIVE SERVICES" MEANS PERSONAL CARE AND SERVICES,

- 1 INCLUDING CARE OF THE SKIN, MOUTH AND TEETH, AND HANDS AND FEET AND
- 2 THE SHAMPOOING AND GROOMING OF THE HAIR.