

No. 67

STATE OF MICHIGAN

# Journal of the Senate

94th Legislature  
REGULAR SESSION OF 2008

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Senate Chamber, Lansing, Saturday, June 28, 2008.

12:01 a.m.

The Senate was called to order by the President pro tempore, Senator Randy Richardville

The roll was called by the Secretary of the Senate, who announced that a quorum was present.

Allen—present  
Anderson—present  
Barcia—present  
Basham—present  
Birkholz—present  
Bishop—present  
Brater—present  
Brown—present  
Cassis—present  
Cherry—present  
Clark-Coleman—present  
Clarke—present  
Cropsey—present

Garcia—present  
George—present  
Gilbert—present  
Gleason—present  
Hardiman—present  
Hunter—present  
Jacobs—present  
Jansen—present  
Jelinek—present  
Kahn—present  
Kuipers—present  
McManus—present  
Olshove—present

Pappageorge—present  
Patterson—present  
Prusi—present  
Richardville—present  
Sanborn—present  
Schauer—present  
Scott—present  
Stamas—present  
Switalski—present  
Thomas—present  
Van Woerkom—present  
Whitmer—excused

Senator Gilda Z. Jacobs of the 14th District offered the following invocation:

God of many names, lover of all people, we pray for peace and justice in our nation and in our world. We pray for all who have the awesome responsibility of power and decision making. We pray for the innocent victims of violence, war, and selfishness.

Lead us and all the people of the world from death to life, from falsehood to truth. Lead us from despair to hope, from fear to trust. Lead us from narrow perspectives to a common ground. Lead us from hate to love, from war to peace, from inequalities to justice.

Let peace with justice fill our hearts, our world, and our universe. Amen.

The President pro tempore, Senator Richardville, led the members of the Senate in recital of the *Pledge of Allegiance*.

**Motions and Communications**

Senator Thomas moved that Senator Whitmer be excused from today’s session. The motion prevailed.

The Secretary announced that the following House bills were received in the Senate and filed on Friday, June 27:

<b>House Bill Nos.</b>	<b>4173</b>	<b>4599</b>	<b>4896</b>	<b>5745</b>	<b>5747</b>	<b>5748</b>	<b>5750</b>	<b>5769</b>	<b>5774</b>	<b>5828</b>	<b>5862</b>	<b>5874</b>	<b>5877</b>	<b>5944</b>
	<b>5996</b>	<b>5997</b>	<b>5998</b>	<b>5999</b>	<b>6029</b>	<b>6214</b>	<b>6215</b>	<b>6216</b>	<b>6217</b>	<b>6218</b>	<b>6219</b>	<b>6220</b>	<b>6221</b>	<b>6239</b>

The Secretary announced that the following official bills were printed on Friday, June 27, and are available at the legislative website:

<b>Senate Bill Nos.</b>	<b>1416</b>	<b>1417</b>	<b>1418</b>	<b>1419</b>	<b>1420</b>	<b>1421</b>	<b>1422</b>	<b>1423</b>	<b>1424</b>	<b>1425</b>	<b>1426</b>	<b>1427</b>	<b>1428</b>	<b>1429</b>
	<b>1430</b>	<b>1431</b>												
<b>House Bill Nos.</b>	<b>6283</b>	<b>6284</b>	<b>6285</b>	<b>6286</b>	<b>6287</b>	<b>6288</b>	<b>6289</b>							

By unanimous consent the Senate proceeded to the order of  
**Conference Reports**

Senator Cropsey moved that Senator Sanborn be temporarily excused from today’s session. The motion prevailed.

Senator Kahn submitted the following:

**FIRST CONFERENCE REPORT**

The Committee of Conference on the matters of difference between the two Houses concerning **Senate Bill No. 1094, entitled**

A bill to make appropriations for the department of community health and certain state purposes related to mental health, public health, and medical services for the fiscal year ending September 30, 2009; to provide for the expenditure of those appropriations; to create funds; to require and provide for reports; to prescribe the powers and duties of certain local and state agencies and departments; and to provide for disposition of fees and other income received by the various state agencies.

Recommends:

First: That the House recede from the Substitute of the House as passed by the House.

Second: That the Senate and House agree to the Substitute of the Senate as passed by the Senate, amended to read as follows:

A bill to make appropriations for the department of community health and certain state purposes related to mental health, public health, and medical services for the fiscal year ending September 30, 2009; to provide for the expenditure of those appropriations; to create funds; to require and provide for reports; to prescribe the powers and duties of certain

local and state agencies and departments; and to provide for disposition of fees and other income received by the various state agencies.

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

**PART 1**

**LINE-ITEM APPROPRIATIONS**

Sec. 101. Subject to the conditions set forth in this act, the amounts listed in this part are appropriated for the department of community health for the fiscal year ending September 30, 2009, from the funds indicated in this part. The following is a summary of the appropriations in this part:

**DEPARTMENT OF COMMUNITY HEALTH**

**APPROPRIATION SUMMARY:**

Full-time equated unclassified positions.....	6.0	
Full-time equated classified positions .....	4,602.7	
Average population .....	970.4	
<b>GROSS APPROPRIATION .....</b>		<b>\$ 12,533,142,000</b>
Interdepartmental grant revenues:		
Total interdepartmental grants and intradepartmental transfers .....		40,883,900
<b>ADJUSTED GROSS APPROPRIATION .....</b>		<b>\$ 12,492,258,100</b>
Federal revenues:		
Total federal revenues.....		7,225,985,400
Special revenue funds:		
Total local revenues .....		241,578,600
Total private revenues.....		66,686,800
Merit award trust fund.....		60,856,200
Total other state restricted revenues .....		1,801,622,200
State general fund/general purpose .....		\$ 3,095,528,900

**Sec. 102. DEPARTMENTWIDE ADMINISTRATION**

Full-time equated unclassified positions.....	6.0	
Full-time equated classified positions .....	206.2	
Director and other unclassified—6.0 FTE positions .....		\$ 598,600
Departmental administration and management—171.2 FTE positions .....		21,862,900
Internal audit consolidation .....		759,000
Office of long-term care and supports and services—25.0 FTE positions .....		3,882,000
Worker’s compensation program .....		8,911,000
Rent and building occupancy .....		10,535,000
Developmental disabilities council and projects—10.0 FTE positions .....		2,774,500
<b>GROSS APPROPRIATION .....</b>		<b>\$ 49,323,000</b>

Appropriated from:

Federal revenues:		
Total federal revenues.....		15,418,800
Special revenue funds:		
Total private revenues.....		76,000
Total other state restricted revenues .....		3,242,700
State general fund/general purpose .....		\$ 30,585,500

**Sec. 103. MENTAL HEALTH/SUBSTANCE ABUSE SERVICES ADMINISTRATION AND SPECIAL PROJECTS**

Full-time equated classified positions .....	109.0	
Mental health/substance abuse program administration—108.0 FTE positions .....		\$ 13,260,000
Consumer involvement program.....		189,100
Gambling addiction—1.0 FTE position .....		3,000,000
Protection and advocacy services support.....		777,400
Mental health initiatives for older persons.....		1,291,200
Community residential and support services.....		2,514,600
Highway safety projects .....		400,000
Federal and other special projects .....		3,547,200
Family support subsidy .....		18,599,200
Housing and support services.....		9,306,800
<b>GROSS APPROPRIATION .....</b>		<b>\$ 52,885,500</b>
Federal revenues:		
Total federal revenues.....		35,041,800

	For Fiscal Year Ending Sept. 30, 2009
Special revenue funds:	
Total private revenues.....	\$ 190,000
Total other state restricted revenues .....	3,000,000
State general fund/general purpose .....	\$ 14,653,700
<b>Sec. 104. COMMUNITY MENTAL HEALTH/SUBSTANCE ABUSE SERVICES PROGRAMS</b>	
Full-time equated classified positions .....	9.5
Medicaid mental health services .....	\$ 1,770,427,200
Community mental health non-Medicaid services .....	322,027,700
Medicaid adult benefits waiver.....	40,000,000
Multicultural services .....	6,823,800
Medicaid substance abuse services.....	36,212,700
Respite services .....	1,000,000
CMHSP, purchase of state services contracts.....	134,480,900
Civil service charges .....	1,499,300
Federal mental health block grant—2.5 FTE positions.....	15,368,300
State disability assistance program substance abuse services .....	2,509,800
Community substance abuse prevention, education and treatment programs .....	84,968,000
Children’s waiver home care program.....	19,549,800
Nursing home PAS/ARR-OBRA—7.0 FTE positions.....	12,150,400
Children with serious emotional disturbance waiver.....	570,000
Mental health court pilot programs .....	1,126,900
GROSS APPROPRIATION .....	\$ 2,448,714,800
Appropriated from:	
Federal revenues:	
Total federal revenues.....	1,220,655,200
Special revenue funds:	
Total local revenues .....	25,228,900
Total other state restricted revenues .....	100,850,200
State general fund/general purpose .....	\$ 1,101,980,500
<b>Sec. 105. STATE PSYCHIATRIC HOSPITALS, CENTERS FOR PERSONS WITH DEVELOPMENTAL DISABILITIES, AND FORENSIC AND PRISON MENTAL HEALTH SERVICES</b>	
Total average population.....	970.4
Full-time equated classified positions .....	2,818.7
Caro regional mental health center - psychiatric hospital - adult—404.0 FTE positions.....	\$ 44,236,200
Average population .....	158.0
Kalamazoo psychiatric hospital - adult—431.5 FTE positions .....	42,646,000
Average population .....	167.6
Walter P. Reuther psychiatric hospital - adult—444.2 FTE positions.....	45,533,500
Average population .....	238.8
Hawthorn center - psychiatric hospital - children and adolescents—250.8 FTE positions.....	22,749,700
Average population .....	78.6
Mount Pleasant center - developmental disabilities—393.3 FTE positions .....	43,198,700
Average population .....	117.4
Center for forensic psychiatry—578.6 FTE positions.....	60,386,000
Average population .....	210.0
Forensic mental health services provided to the department of corrections— 316.3 FTE positions .....	39,344,800
Revenue recapture .....	750,000
IDEA, federal special education.....	120,000
Special maintenance and equipment.....	335,300
Purchase of medical services for residents of hospitals and centers.....	1,045,600
Closed site, transition, and related costs .....	100

	For Fiscal Year Ending Sept. 30, 2009
Severance pay .....	\$ 216,900
Gifts and bequests for patient living and treatment environment .....	1,000,000
<b>GROSS APPROPRIATION</b> .....	<b>\$ 301,562,800</b>
Appropriated from:	
Interdepartmental grant revenues:	
Interdepartmental grant from the department of corrections .....	39,344,800
Federal revenues:	
Total federal revenues .....	38,400,900
Special revenue funds:	
CMHSP, purchase of state services contracts .....	134,605,300
Other local revenues .....	16,811,700
Total private revenues .....	1,000,000
Total other state restricted revenues .....	14,736,500
State general fund/general purpose .....	\$ 56,663,600
<b>Sec. 106. PUBLIC HEALTH ADMINISTRATION</b>	
Full-time equated classified positions .....	99.7
Public health administration—8.3 FTE positions .....	\$ 2,212,300
Minority health grants and contracts—3.0 FTE positions .....	1,493,200
Promotion of healthy behaviors .....	1,700,000
Vital records and health statistics—88.4 FTE positions .....	11,199,800
<b>GROSS APPROPRIATION</b> .....	<b>\$ 16,605,300</b>
Appropriated from:	
Interdepartmental grant revenues:	
Interdepartmental grant from the department of human services .....	981,600
Federal revenues:	
Total federal revenues .....	6,018,400
Special revenue funds:	
Total private revenues .....	2,000,000
Total other state restricted revenues .....	6,001,100
State general fund/general purpose .....	\$ 1,604,200
<b>Sec. 107. HEALTH POLICY, REGULATION, AND PROFESSIONS</b>	
Full-time equated classified positions .....	403.6
Health systems administration—193.6 FTE positions .....	\$ 22,949,700
Emergency medical services program state staff—8.5 FTE positions .....	1,476,100
Radiological health administration—21.4 FTE positions .....	2,747,100
Emergency medical services grants and services .....	660,000
Health professions—130.0 FTE positions .....	23,507,700
Background check program—5.5 FTE positions .....	3,956,400
Health policy, regulation, and professions administration—25.2 FTE positions .....	2,944,400
Nurse scholarship, education, and research program—3.0 FTE positions .....	990,900
Certificate of need program administration—14.0 FTE positions .....	1,775,100
Rural health services—1.0 FTE position .....	1,404,400
Michigan essential health provider .....	1,952,100
Primary care services—1.4 FTE positions .....	4,241,700
<b>GROSS APPROPRIATION</b> .....	<b>\$ 68,605,600</b>
Appropriated from:	
Interdepartmental grant revenues:	
Interdepartmental grant from the department of treasury, Michigan state hospital finance authority .....	116,300
Federal revenues:	
Total federal revenues .....	26,015,300
Special revenue funds:	
Total local revenues .....	227,700
Total private revenues .....	455,000
Total other state restricted revenues .....	33,762,800
State general fund/general purpose .....	\$ 8,028,500

For Fiscal Year  
Ending Sept. 30,  
2009

**Sec. 108. INFECTIOUS DISEASE CONTROL**

Full-time equated classified positions .....	51.7	
AIDS prevention, testing, and care programs—12.7 FTE positions .....		\$ 38,468,200
Immunization local agreements .....		13,990,300
Immunization program management and field support—15.0 FTE positions.....		2,008,200
Pediatric AIDS prevention and control—1.0 FTE position.....		1,225,200
Sexually transmitted disease control local agreements .....		3,910,700
Sexually transmitted disease control management and field support—23.0 FTE positions .....		3,886,200
<b>GROSS APPROPRIATION</b> .....		<u>\$ 63,488,800</u>
Appropriated from:		
Federal revenues:		
Total federal revenues.....		42,077,900
Special revenue funds:		
Total private revenues.....		7,997,900
Total other state restricted revenues .....		7,834,200
State general fund/general purpose .....		<u>\$ 5,578,800</u>

**Sec. 109. LABORATORY SERVICES**

Full-time equated classified positions .....	123.0	
Bovine tuberculosis—1.0 FTE position .....		\$ 200,400
Laboratory services—122.0 FTE positions .....		19,185,400
<b>GROSS APPROPRIATION</b> .....		<u>\$ 19,385,800</u>
Appropriated from:		
Interdepartmental grant revenues:		
Interdepartmental grant from the department of environmental quality .....		441,200
Federal revenues:		
Total federal revenues.....		2,799,400
Special revenue funds:		
Total other state restricted revenues .....		8,343,200
State general fund/general purpose .....		<u>\$ 7,802,000</u>

**Sec. 110. EPIDEMIOLOGY**

Full-time equated classified positions .....	129.4	
AIDS surveillance and prevention program .....		\$ 2,254,100
Asthma prevention and control—2.6 FTE positions .....		1,065,100
Bioterrorism preparedness—68.6 FTE positions.....		49,292,100
Epidemiology administration—41.7 FTE positions .....		7,103,500
Lead abatement program—7.0 FTE positions.....		2,177,800
Methamphetamine cleanup fund.....		100,000
Newborn screening follow-up and treatment services—9.5 FTE positions .....		4,534,500
Tuberculosis control and prevention.....		867,000
<b>GROSS APPROPRIATION</b> .....		<u>\$ 67,394,100</u>
Appropriated from:		
Federal revenues:		
Total federal revenues.....		59,411,300
Special revenue funds:		
Total local revenues.....		500,000
Total private revenues.....		25,000
Total other state restricted revenues .....		4,996,900
State general fund/general purpose .....		<u>\$ 2,460,900</u>

**Sec. 111. LOCAL HEALTH ADMINISTRATION AND GRANTS**

Implementation of 1993 PA 133, MCL 333.17015 .....		\$ 50,000
Local health services .....		220,000
Local public health operations .....		40,618,400
Medicaid outreach cost reimbursement to local health departments.....		9,000,000
<b>GROSS APPROPRIATION</b> .....		<u>\$ 49,888,400</u>
Appropriated from:		
Federal revenues:		
Total federal revenues.....		9,000,000

	For Fiscal Year Ending Sept. 30, 2009
Special revenue funds:	
Total local revenues .....	\$ 5,150,000
Total other state restricted revenues .....	220,000
State general fund/general purpose .....	\$ 35,518,400
<b>Sec. 112. CHRONIC DISEASE AND INJURY PREVENTION AND HEALTH PROMOTION</b>	
Full-time equated classified positions .....	70.3
African-American male health initiative .....	\$ 106,700
AIDS and risk reduction clearinghouse and media campaign .....	1,351,000
Alzheimer's information network.....	389,500
Cancer prevention and control program—12.0 FTE positions.....	15,188,500
Chronic disease prevention—22.7 FTE positions .....	5,683,200
Diabetes and kidney program—12.2 FTE positions.....	4,002,200
Health education, promotion, and research programs—6.5 FTE positions.....	812,500
Injury control intervention project .....	404,500
Michigan Parkinson's foundation .....	50,000
Morris Hood Wayne State University diabetes outreach.....	400,000
Physical fitness, nutrition, and health.....	700,000
Public health traffic safety coordination—1.0 FTE position.....	356,400
Smoking prevention program—14.0 FTE positions .....	5,724,500
Tobacco tax collection and enforcement .....	610,000
Violence prevention—1.9 FTE positions.....	1,889,800
GROSS APPROPRIATION .....	\$ 37,668,800
Appropriated from:	
Federal revenues:	
Total federal revenues.....	21,309,500
Special revenue funds:	
Total private revenues.....	146,600
Total other state restricted revenues .....	13,900,500
State general fund/general purpose .....	\$ 2,312,200
<b>Sec. 113. FAMILY, MATERNAL, AND CHILDREN'S HEALTH SERVICES</b>	
Full-time equated classified positions .....	52.3
Childhood lead program—6.0 FTE positions.....	\$ 2,557,500
Dental programs .....	485,400
Dental program for persons with developmental disabilities .....	151,000
Early childhood collaborative secondary prevention.....	524,000
Family, maternal, and children's health services administration—40.6 FTE positions .....	5,177,400
Family planning local agreements.....	9,793,800
Local MCH services .....	7,264,200
Migrant health care.....	272,200
Pregnancy prevention program .....	5,235,400
Prenatal care outreach and service delivery support .....	3,049,300
School health and education programs.....	500,000
Special projects—5.7 FTE positions .....	4,017,100
Sudden infant death syndrome program.....	321,300
GROSS APPROPRIATION .....	\$ 39,348,600
Appropriated from:	
Federal revenues:	
Total federal revenues.....	25,976,600
Special revenue funds:	
Total local revenues.....	75,000
Total other state restricted revenues .....	8,037,500
State general fund/general purpose .....	\$ 5,259,500
<b>Sec. 114. WOMEN, INFANTS, AND CHILDREN FOOD AND NUTRITION PROGRAM</b>	
Full-time equated classified positions .....	43.0

	For Fiscal Year Ending Sept. 30, 2009
Women, infants, and children program administration and special projects—	
43.0 FTE positions .....	\$ 8,955,100
Women, infants, and children program local agreements and food costs .....	201,845,500
<b>GROSS APPROPRIATION</b> .....	<b>\$ 210,800,600</b>
Appropriated from:	
Federal revenues:	
Total federal revenues.....	157,556,300
Special revenue funds:	
Total private revenues.....	53,244,300
State general fund/general purpose .....	\$ 0
<b>Sec. 115. CHILDREN'S SPECIAL HEALTH CARE SERVICES (CSHCS)</b>	
Full-time equated classified positions ..... 47.8	
Children's special health care services administration—47.8 FTE positions.....	\$ 4,540,100
Amputee program .....	184,600
Bequests for care and services .....	1,514,600
Outreach and advocacy.....	3,773,500
Non-emergency medical transportation .....	1,492,200
Medical care and treatment .....	193,754,200
<b>GROSS APPROPRIATION</b> .....	<b>\$ 205,259,200</b>
Appropriated from:	
Federal revenues:	
Total federal revenues.....	102,085,400
Special revenue funds:	
Total private revenues.....	1,000,000
Total other state restricted revenues .....	2,295,300
State general fund/general purpose .....	\$ 99,878,500
<b>Sec. 116. OFFICE OF DRUG CONTROL POLICY</b>	
Full-time equated classified positions ..... 15.0	
Drug control policy—15.0 FTE positions .....	\$ 1,754,300
Anti-drug abuse grants .....	8,575,000
Interdepartmental grant to judiciary for drug treatment courts .....	1,800,000
<b>GROSS APPROPRIATION</b> .....	<b>\$ 12,129,300</b>
Appropriated from:	
Federal revenues:	
Total federal revenues.....	11,747,000
State general fund/general purpose .....	\$ 382,300
<b>Sec. 117. CRIME VICTIM SERVICES COMMISSION</b>	
Full-time equated classified positions ..... 10.0	
Grants administration services—10.0 FTE positions .....	\$ 1,395,000
Justice assistance grants .....	13,000,000
Crime victim rights services grants.....	11,000,000
Crime victim's rights fund revenue to Michigan state police .....	1,030,400
Crime victim's rights fund revenue to department of human services.....	1,300,000
<b>GROSS APPROPRIATION</b> .....	<b>\$ 27,725,400</b>
Appropriated from:	
Federal revenues:	
Total federal revenues.....	15,050,500
Special revenue funds:	
Total other state restricted revenues .....	12,674,900
State general fund/general purpose .....	\$ 0
<b>Sec. 118. OFFICE OF SERVICES TO THE AGING</b>	
Full-time equated classified positions ..... 36.5	
Commission (per diem \$50.00).....	\$ 10,500
Office of services to aging administration—36.5 FTE positions .....	5,363,400
Community services .....	36,104,200
Nutrition services .....	37,922,500



	For Fiscal Year Ending Sept. 30, 2009
Foster grandparent volunteer program.....	\$ 2,813,500
Retired and senior volunteer program.....	790,200
Senior companion volunteer program.....	2,021,200
Employment assistance.....	3,213,300
Senior olympics.....	100,000
Respite care program.....	6,800,000
<b>GROSS APPROPRIATION</b> .....	<b>\$ 95,138,800</b>
Appropriated from:	
Federal revenues:	
Total federal revenues.....	53,414,800
Special revenue funds:	
Total private revenues.....	152,000
Merit award trust fund.....	5,000,000
Total other state restricted revenues.....	1,967,000
State general fund/general purpose.....	\$ 34,605,000
<b>Sec. 119. MICHIGAN FIRST HEALTHCARE PLAN</b>	
Michigan first healthcare plan.....	\$ 100,000,000
<b>GROSS APPROPRIATION</b> .....	<b>\$ 100,000,000</b>
Appropriated from:	
Federal revenues:	
Total federal revenues.....	100,000,000
State general fund/general purpose.....	\$ 0
<b>Sec. 120. MEDICAL SERVICES ADMINISTRATION</b>	
Full-time equated classified positions.....	377.0
Medical services administration—377.0 FTE positions.....	\$ 62,269,900
Facility inspection contract.....	132,800
MIChild administration.....	4,327,800
Health information technology initiatives.....	5,000,000
<b>GROSS APPROPRIATION</b> .....	<b>\$ 71,730,500</b>
Appropriated from:	
Federal revenues:	
Total federal revenues.....	46,330,200
Total local revenues.....	5,000
Total other state restricted revenues.....	95,000
State general fund/general purpose.....	\$ 25,300,300
<b>Sec. 121. MEDICAL SERVICES</b>	
Hospital services and therapy.....	\$ 1,150,208,800
Hospital disproportionate share payments.....	50,000,000
Physician services.....	256,478,800
Medicare premium payments.....	341,121,700
Pharmaceutical services.....	241,659,100
Home health services.....	5,758,200
Hospice services.....	99,398,100
Transportation.....	10,169,300
Auxiliary medical services.....	9,668,600
Dental services.....	123,558,000
Ambulance services.....	22,760,100
Long-term care services.....	1,524,066,200
Medicaid home- and community-based services waiver.....	152,424,900
Adult home help services.....	258,789,300
Personal care services.....	19,247,500
Program of all-inclusive care for the elderly.....	15,250,000
Single point of entry.....	14,724,200
Health plan services.....	3,490,211,100
MIChild program.....	32,535,400
Plan first family planning waiver.....	5,785,500

	For Fiscal Year Ending Sept. 30, 2009
Medicaid adult benefits waiver.....	\$ 134,837,900
County indigent care and third share plans.....	88,518,500
Federal Medicare pharmaceutical program .....	178,055,800
Promotion of healthy behavior waiver .....	10,000,000
Maternal and child health.....	20,279,500
Social services to the physically disabled .....	1,344,900
Subtotal basic medical services program .....	8,256,851,400
School-based services.....	89,201,000
Special Medicaid reimbursement.....	197,039,500
Subtotal special medical services payments.....	286,240,500
GROSS APPROPRIATION .....	\$ 8,543,091,900
Appropriated from:	
Federal revenues:	
Total federal revenues.....	5,200,877,700
Special revenue funds:	
Total local revenues.....	58,975,000
Total private revenues.....	400,000
Merit award trust fund.....	55,856,200
Total other state restricted revenues .....	1,576,062,300
State general fund/general purpose .....	\$ 1,650,920,700
<b>Sec. 122. INFORMATION TECHNOLOGY</b>	
Information technology services and projects.....	\$ 35,593,700
Michigan Medicaid information system.....	16,801,100
GROSS APPROPRIATION .....	\$ 52,394,800
Appropriated from:	
Federal revenues:	
Total federal revenues.....	36,798,400
Special revenue funds:	
Total other state restricted revenues .....	3,602,100
State general fund/general purpose .....	\$ 11,994,300

PART 2

PROVISIONS CONCERNING APPROPRIATIONS

**GENERAL SECTIONS**

Sec. 201. Pursuant to section 30 of article IX of the state constitution of 1963, total state spending from state resources under part 1 for fiscal year 2008-2009 is \$4,958,007,300.00 and state spending from state resources to be paid to local units of government for fiscal year 2008-2009 is \$1,275,247,400.00. The itemized statement below identifies appropriations from which spending to local units of government will occur:

DEPARTMENT OF COMMUNITY HEALTH

MENTAL HEALTH/SUBSTANCE ABUSE SERVICES ADMINISTRATION  
AND SPECIAL PROJECTS

Community residential and support services.....	\$ 387,300
Housing and support services.....	695,500
Mental health initiatives for older persons.....	1,049,200
<b>COMMUNITY MENTAL HEALTH/SUBSTANCE ABUSE SERVICES PROGRAMS</b>	
State disability assistance program substance abuse services .....	\$ 2,509,800
Community substance abuse prevention, education, and treatment programs .....	12,473,900
Medicaid mental health services .....	674,240,800
Community mental health non-Medicaid services .....	322,027,700
Medicaid adult benefits waiver.....	11,124,000
Multicultural services .....	6,823,800
Medicaid substance abuse services.....	14,390,800
Respite services .....	1,000,000
Children's waiver home care program.....	5,437,000
Nursing home PASARR .....	2,731,800

STATE PSYCHIATRIC HOSPITALS, CENTERS FOR PERSONS WITH DEVELOPMENTAL  
DISABILITIES, AND FORENSIC AND PRISON MENTAL HEALTH SERVICES

Center for forensic psychiatry .....	\$ 290,300
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<b>PUBLIC HEALTH ADMINISTRATION</b>	
Minority health grants and contracts .....	\$ 100,000
Public health administration .....	12,000
<b>HEALTH POLICY, REGULATION, AND PROFESSIONS</b>	
Primary care services .....	\$ 88,900
<b>INFECTIOUS DISEASE CONTROL</b>	
AIDS prevention, testing, and care programs .....	\$ 824,400
Immunization local agreements .....	375,700
Sexually transmitted disease control local agreements .....	421,800
<b>EPIDEMIOLOGY</b>	
Methamphetamine cleanup fund.....	\$ 100,000
<b>LOCAL HEALTH ADMINISTRATION AND GRANTS</b>	
Implementation of 1993 PA 133 .....	\$ 5,300
Local public health operations .....	35,468,400
<b>CHRONIC DISEASE AND INJURY PREVENTION AND HEALTH PROMOTION</b>	
Cancer prevention and control program .....	\$ 350,300
Diabetes and kidney program .....	313,100
Smoking prevention program .....	906,200
<b>FAMILY, MATERNAL, AND CHILDREN’S HEALTH SERVICES</b>	
Childhood lead program .....	\$ 240,300
Dental programs .....	25,000
Family planning local agreements .....	111,300
Local MCH services .....	184,600
Pregnancy prevention program .....	602,100
Prenatal care outreach and service delivery support .....	697,800
Special projects.....	657,500
<b>CHILDREN’S SPECIAL HEALTH CARE SERVICES</b>	
Medical care and treatment .....	\$ 618,000
Outreach and advocacy.....	1,283,200
<b>MEDICAL SERVICES</b>	
Dental services .....	\$ 2,035,500
Long-term care services .....	111,978,200
Transportation.....	2,799,600
Medicaid adult benefits waiver.....	9,664,700
Hospital services and therapy.....	6,278,600
Physician services.....	5,556,100
<b>OFFICE OF SERVICES TO THE AGING</b>	
Community services .....	\$ 15,044,000
Nutrition services .....	11,405,600
Foster grandparent volunteer program.....	496,700
Retired and senior volunteer program .....	188,000
Senior companion volunteer program .....	96,600
Respite care program.....	4,336,000
<b>CRIME VICTIM SERVICES COMMISSION</b>	
Crime victim rights services grants .....	\$ 6,800,000
<b>TOTAL OF PAYMENTS TO LOCAL UNITS OF GOVERNMENT .....</b>	<b>\$ 1,275,247,400</b>

Sec. 202. (1) The appropriations authorized under this act are subject to the management and budget act, 1984 PA 431, MCL 18.1101 to 18.1594.

(2) Funds for which the state is acting as the custodian or agent are not subject to annual appropriation.

Sec. 203. As used in this act:

- (a) “AIDS” means acquired immunodeficiency syndrome.
- (b) “CMHSP” means a community mental health services program as that term is defined in section 100a of the mental health code, 1974 PA 258, MCL 330.1100a.
- (c) “Department” means the Michigan department of community health.
- (d) “Director” means the director of the department.
- (e) “DSH” means disproportionate share hospital.
- (f) “EPSDT” means early and periodic screening, diagnosis, and treatment.
- (g) “Federal poverty level” means the poverty guidelines published annually in the federal register by the United States department of health and human services under its authority to revise the poverty line under 42 USC 9902.

- (h) "FTE" means full-time equated.
- (i) "GME" means graduate medical education.
- (j) "Health plan" means, at a minimum, an organization that meets the criteria for delivering the comprehensive package of services under the department's comprehensive health plan.
- (k) "HIV/AIDS" means human immunodeficiency virus/acquired immunodeficiency syndrome.
- (l) "HMO" means health maintenance organization.
- (m) "IDEA" means the individuals with disabilities education act, 20 USC 1400 to 1482.
- (n) "IDG" means interdepartmental grant.
- (o) "MCH" means maternal and child health.
- (p) "MIChild" means the program described in section 1670.
- (q) "MSS/ISS" means maternal and infant support services.
- (r) "PASARR" means the preadmission screening and annual resident review required under the omnibus budget reconciliation act of 1987, section 1919(e)(7) of the social security act, 42 USC 1396r.
- (s) "PIHP" means a specialty prepaid inpatient health plan for Medicaid mental health services, services to persons with developmental disabilities, and substance abuse services as described in section 232b of the mental health code, 1974 PA 258, MCL 330.1232b.
- (t) "Title XVIII" means title XVIII of the social security act, 42 USC 1395 to 1395hhh.
- (u) "Title XIX" means title XIX of the social security act, 42 USC 1396 to 1396v.
- (v) "Title XX" means title XX of the social security act, 42 USC 1397 to 1397f.
- (w) "WIC" means women, infants, and children supplemental nutrition program.

Sec. 204. The civil service commission shall bill the department at the end of the first fiscal quarter for the 1% charge authorized by section 5 of article XI of the state constitution of 1963. The department shall pay the total amount of the billing by the end of the second fiscal quarter.

Sec. 205. (1) A hiring freeze is imposed on the state classified civil service. State departments and agencies are prohibited from hiring any new full-time state classified civil service employees and prohibited from filling any vacant state classified civil service positions. This hiring freeze does not apply to internal transfers of classified employees from 1 position to another within a department.

(2) The state budget director may grant exceptions to this hiring freeze when the state budget director believes that the hiring freeze will render a state department or agency unable to deliver basic services, will cause loss of revenue to the state, will result in the inability of the state to receive federal funds, or will necessitate additional expenditures that exceed any savings from maintaining a vacancy. The state budget director shall report quarterly to the chairpersons of the senate and house of representatives standing committees on appropriations the number of exceptions to the hiring freeze approved during the previous quarter and the reasons to justify the exception.

Sec. 206. (1) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$100,000,000.00 for federal contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this act under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

(2) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$20,000,000.00 for state restricted contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this act under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

(3) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$20,000,000.00 for local contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this act under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

(4) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$10,000,000.00 for private contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this act under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

Sec. 208. The department shall use the Internet to fulfill the reporting requirements of this act. This requirement may include transmission of reports via electronic mail to the recipients identified for each reporting requirement or it may include placement of reports on the Internet or Intranet site.

Sec. 209. Funds appropriated in part 1 shall not be used for the purchase of foreign goods or services, or both, if competitively priced and of comparable quality American goods or services, or both, are available. Preference shall be given to goods or services, or both, manufactured or provided by Michigan businesses, if they are competitively priced and of comparable quality. In addition, preference shall be given to goods or services, or both, that are manufactured or provided by Michigan businesses owned and operated by veterans, if they are competitively priced and of comparable quality.

Sec. 210. The director shall take all reasonable steps to ensure businesses in deprived and depressed communities compete for and perform contracts to provide services or supplies, or both. The director shall strongly encourage firms with which the department contracts to subcontract with certified businesses in depressed and deprived communities for services, supplies, or both.

Sec. 211. (1) If the revenue collected by the department from fees and collections exceeds the amount appropriated in part 1, the revenue may be carried forward with the approval of the state budget director into the subsequent fiscal year. The revenue carried forward under this section shall be used as the first source of funds in the subsequent fiscal year.

(2) The department shall provide a report to the senate and house appropriations subcommittees on community health and the senate and house fiscal agencies on the balance of each of the restricted funds administered by the department as of September 30 of the current fiscal year.

Sec. 212. (1) From the amounts appropriated in part 1, no greater than the following amounts are supported with federal maternal and child health block grant, preventive health and health services block grant, substance abuse block grant, healthy Michigan fund, and Michigan health initiative funds:

(a) Maternal and child health block grant.....	\$	19,953,100
(b) Preventive health and health services block grant.....		4,028,700
(c) Substance abuse block grant.....		60,627,400
(d) Healthy Michigan fund.....		41,827,600
(e) Michigan health initiative .....		9,100,000

(2) On or before February 1 of the current fiscal year, the department shall report to the house of representatives and senate appropriations subcommittees on community health, the house and senate fiscal agencies, and the state budget director on the detailed name and amounts of federal, restricted, private, and local sources of revenue that support the appropriations in each of the line items in part 1 of this act.

(3) Upon the release of the fiscal year 2009-2010 executive budget recommendation, the department shall report to the same parties in subsection (2) on the amounts and detailed sources of federal, restricted, private, and local revenue proposed to support the total funds appropriated in each of the line items in part 1 of the fiscal year 2009-2010 executive budget proposal.

(4) The department shall provide to the same parties in subsection (2) all revenue source detail for consolidated revenue line item detail upon request to the department.

Sec. 213. The state departments, agencies, and commissions receiving tobacco tax funds and healthy Michigan funds from part 1 shall report by April 1 of the current fiscal year to the senate and house of representatives appropriations committees, the senate and house fiscal agencies, and the state budget director on the following:

(a) Detailed spending plan by appropriation line item including description of programs and a summary of organizations receiving these funds.

(b) Description of allocations or bid processes including need or demand indicators used to determine allocations.

(c) Eligibility criteria for program participation and maximum benefit levels where applicable.

(d) Outcome measures used to evaluate programs, including measures of the effectiveness of these programs in improving the health of Michigan residents.

(e) Any other information considered necessary by the house of representatives or senate appropriations committees or the state budget director.

Sec. 214. The use of state-restricted tobacco tax revenue received for the purpose of tobacco prevention, education, and reduction efforts and deposited in the healthy Michigan fund shall not be used for lobbying as defined in section 5 of 1978 PA 472, MCL 4.415, and shall not be used in attempting to influence the decisions of the legislature, the governor, or any state agency.

Sec. 215. (1) The department shall report to the house and senate appropriations subcommittees on the budget for the department, the joint committee on administrative rules, and the senate and house fiscal agencies by no later than April 1, 2009 on each specific policy change made by the department to implement a public act affecting that department that took effect during the preceding calendar year.

(2) Funds appropriated in part 1 shall not be used by the department to adopt a rule that will apply to a small business and that will have a disproportionate economic impact on small businesses because of the size of those businesses if the department fails to reduce the disproportionate economic impact of the rule on small businesses as provided under section 40 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.240.

(3) As used in this section:

(a) "Rule" means that term as defined under section 7 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.207.

(b) "Small business" means that term as defined under section 7a of the administrative procedures act of 1969, 1969 PA 306, MCL 24.207a.

Sec. 216. (1) In addition to funds appropriated in part 1 for all programs and services, there is appropriated for write-offs of accounts receivable, deferrals, and for prior year obligations in excess of applicable prior year appropriations, an amount equal to total write-offs and prior year obligations, but not to exceed amounts available in prior year revenues.

(2) The department's ability to satisfy appropriation deductions in part 1 shall not be limited to collections and accruals pertaining to services provided in the current fiscal year, but shall also include reimbursements, refunds, adjustments, and settlements from prior years.

(3) The department shall report by March 15 of the current fiscal year to the house of representatives and senate appropriations subcommittees on community health on all reimbursements, refunds, adjustments, and settlements from prior years.

Sec. 218. The department shall include the following in its annual list of proposed basic health services as required in part 23 of the public health code, 1978 PA 368, MCL 333.2301 to 333.2321:

- (a) Immunizations.
- (b) Communicable disease control.
- (c) Sexually transmitted disease control.
- (d) Tuberculosis control.
- (e) Prevention of gonorrhea eye infection in newborns.
- (f) Screening newborns for the conditions listed in section 5431 of the public health code, 1978 PA 368, MCL 333.5431, or recommended by the newborn screening quality assurance advisory committee created under section 5430 of the public health code, 1978 PA 368, MCL 333.5430.
- (g) Community health annex of the Michigan emergency management plan.
- (h) Prenatal care.

Sec. 219. (1) The department may contract with the Michigan public health institute for the design and implementation of projects and for other public health-related activities prescribed in section 2611 of the public health code, 1978 PA 368, MCL 333.2611. The department may develop a master agreement with the institute to carry out these purposes for up to a 3-year period. The department shall report to the house of representatives and senate appropriations subcommittees on community health, the house and senate fiscal agencies, and the state budget director on or before November 1 and May 1 of the current fiscal year all of the following:

- (a) A detailed description of each funded project.
- (b) The amount allocated for each project, the appropriation line item from which the allocation is funded, and the source of financing for each project.
- (c) The expected project duration.
- (d) A detailed spending plan for each project, including a list of all subgrantees and the amount allocated to each subgrantee.

(2) On or before September 30 of the current fiscal year, the department shall provide to the same parties listed in subsection (1) a copy of all reports, studies, and publications produced by the Michigan public health institute, its subcontractors, or the department with the funds appropriated in part 1 and allocated to the Michigan public health institute.

Sec. 220. All contracts with the Michigan public health institute funded with appropriations in part 1 shall include a requirement that the Michigan public health institute submit to financial and performance audits by the state auditor general of projects funded with state appropriations.

Sec. 223. The department may establish and collect fees for publications, videos and related materials, conferences, and workshops. Collected fees shall be used to offset expenditures to pay for printing and mailing costs of the publications, videos and related materials, and costs of the workshops and conferences. The department shall not collect fees under this section that exceed the cost of the expenditures.

Sec. 248. The department shall continue to allow ambulatory surgery centers in this state to fully participate in the Medicaid program when hospitals are reimbursed for Medicaid services through the new Michigan Medicaid information system. Ambulatory surgery centers that provide services to Medicaid eligible patients shall be reimbursed in the same manner as hospitals. The reimbursement schedule for ambulatory surgery centers that was developed and implemented in consultation with the industry in fiscal year 2007-2008 shall continue to be used in fiscal year 2008-2009.

Sec. 259. From the funds appropriated in part 1 for information technology, the department shall pay user fees to the department of information technology for technology-related services and projects. Such user fees shall be subject to provisions of an interagency agreement between the department and the department of information technology.

Sec. 260. Amounts appropriated in part 1 for information technology may be designated as work projects and carried forward to support technology projects under the direction of the department of information technology. Funds designated in this manner are not available for expenditure until approved as work projects under section 451a of the management and budget act, 1984 PA 431, MCL 18.1451a.

Sec. 261. Funds appropriated in part 1 for the Medicaid management information system upgrade are contingent upon approval of an advanced planning document from the centers for Medicare and Medicaid services. If the necessary matching funds are identified and legislatively transferred to this line item, the corresponding federal Medicaid revenue shall be appropriated at a 90/10 federal/state match rate. This appropriation may be designated as a work project and carried forward to support completion of this project.

Sec. 264. (1) Upon submission of a Medicaid waiver, a Medicaid state plan amendment, or a similar proposal to the centers for Medicare and Medicaid services, the department shall notify the house of representatives and senate appropriations subcommittees on community health and the house and senate fiscal agencies of the submission.

(2) The department shall provide written or verbal quarterly reports to the senate and house appropriations subcommittees on community health and the senate and house fiscal agencies summarizing the status of any new or ongoing discussions

with the centers for Medicare and Medicaid services or the federal department of health and human services regarding potential or future Medicaid waiver applications.

Sec. 265. The departments and agencies receiving appropriations in part 1 shall receive and retain copies of all reports funded from appropriations in part 1. Federal and state guidelines for short-term and long-term retention of records shall be followed.

Sec. 266. (1) Due to the current budgetary problems in this state, out-of-state travel shall be limited to situations in which 1 or more of the following conditions apply:

(a) The travel is required by legal mandate or court order or for law enforcement purposes.

(b) The travel is necessary to protect the health or safety of Michigan citizens or visitors or to assist other states in similar circumstances.

(c) The travel is necessary to produce budgetary savings or to increase state revenues, including protecting existing federal funds or securing additional federal funds.

(d) The travel is necessary to comply with federal requirements.

(e) The travel is necessary to secure specialized training for staff that is not available within this state.

(f) The travel is financed entirely by federal or nonstate funds.

(2) If out-of-state travel is necessary but does not meet 1 or more of the conditions in subsection (1), the state budget director may grant an exception to allow the travel. Any exceptions granted by the state budget director shall be reported on a monthly basis to the house of representatives and senate standing committees on appropriations.

(3) Not later than January 1 of each year, each department shall prepare a travel report listing all travel by classified and unclassified employees outside this state in the immediately preceding fiscal year that was funded in whole or in part with funds appropriated in the department's budget. The report shall be submitted to the chairs and members of the house of representatives and senate standing committees on appropriations, the fiscal agencies, and the state budget director. The report shall include the following information:

(a) The name of each person receiving reimbursement for travel outside this state or whose travel costs were paid by this state.

(b) The destination of each travel occurrence.

(c) The dates of each travel occurrence.

(d) A brief statement of the reason for each travel occurrence.

(e) The transportation and related costs of each travel occurrence, including the proportion funded with state general fund/general purpose revenues, the proportion funded with state-restricted revenues, the proportion funded with federal revenues, and the proportion funded with other revenues.

(f) A total of all out-of-state travel funded for the immediately preceding fiscal year.

Sec. 267. A department or state agency shall not take disciplinary action against an employee for communicating with a member of the legislature or his or her staff.

Sec. 269. The amount appropriated in part 1 for medical services pharmaceutical services includes funds to cover reimbursement of mental health medications under the Medicaid program. Reimbursement procedures for mental health medications shall be the same as those that were followed in fiscal year 2005-2006, and utilization procedures for such medications shall adhere to section 1625, the department's fiscal year 2006-2007 contract with Medicaid health plans, and section 109h of the social welfare act, 1939 PA 280, MCL 400.109h.

Sec. 270. Within 30 days after receipt of the notification from the attorney general's office of a legal action in which expenses had been recovered pursuant to section 106(4) of the social welfare act, 1939 PA 280, MCL 400.106, or any other statute under which the department has the right to recover expenses, the department shall submit a written report to the house of representatives and senate appropriations subcommittees on community health, the house and senate fiscal agencies, and the state budget office which includes, at a minimum, all of the following:

(a) The total amount recovered from the legal action.

(b) The program or service for which the money was originally expended.

(c) Details on the disposition of the funds recovered such as the appropriation or revenue account in which the money was deposited.

(d) A description of the facts involved in the legal action.

Sec. 271. (1) A PIHP, Medicaid HMO, and federally qualified health center may establish and implement an early mental health services intervention pilot project. This project shall provide care coordination, disease management, and pharmacy management to eligible recipients suffering from chronic disease, including, but not limited to, diabetes, asthma, substance addiction, or stroke. Participating organizations may make use of data sharing, joint information technology efforts, and financial incentives to health providers and recipients in this project. The department shall encourage that each CMHSP and Medicaid health plan act in a coordinated manner in the establishment of their respective electronic medical record systems.

(2) The pilot project shall make use of preestablished objectives and outcome measures to determine the cost effectiveness of the project. Participating organizations shall collect data to study and monitor the correlation between early mental health treatment services to program participants and improvement in the management of their chronic disease.

(3) The department shall request any necessary Medicaid state plan amendments or waivers to ensure participation in this project by eligible Medicaid recipients.

(4) A progress report on the pilot project shall be provided to the house and senate appropriations subcommittees on community health, the house and senate fiscal agencies, and the state budget director no later than May 1 of the current fiscal year.

Sec. 272. (1) The department shall make efforts to implement the results of the study of current policies and allocation methodologies specified in section 272 of 2007 PA 123. These efforts to encourage administrative efficiencies shall apply to the following entities:

- (a) Local public health departments.
- (b) CMHSPs.
- (c) Substance abuse coordinating agencies.
- (d) Area agencies on aging.

(2) The department shall consult with at least the following applicable organizations in implementing the results of the study:

- (a) The Michigan association of community mental health boards.
- (b) The Michigan association for local public health.
- (c) The Michigan association of substance abuse coordinating agencies.
- (d) The area agencies on aging association of Michigan.

(3) The department shall submit a report on its efforts to implement the results of the study to the senate and house appropriations subcommittees on community health, the senate and house committees on health policy, the senate and house fiscal agencies, and the state budget director by April 1, 2009.

Sec. 276. Funds appropriated in part 1 shall not be used by a principal executive department, state agency, or authority to hire a person to provide legal services that are the responsibility of the attorney general. This prohibition does not apply to legal services for bonding activities and for those activities that the attorney general authorizes.

Sec. 282. (1) The department, through its organizational units responsible for departmental administration, operation, and finance, shall establish uniform definitions, standards, and instructions for the classification, allocation, assignment, calculation, recording, and reporting of administrative costs by the following entities:

(a) Coordinating agencies on substance abuse, Salvation Army harbor light program, and their subcontractors that receive payment or reimbursement from funds appropriated under section 104.

(b) Area agencies on aging and local providers, and their subcontractors that receive payment or reimbursement from funds appropriated under section 118.

(2) By May 15 of the current fiscal year, the department shall provide a written draft of its proposed definitions, standards, and instructions to the house of representatives and senate appropriations subcommittees on community health, the house and senate fiscal agencies, and the state budget director.

Sec. 284. The department shall not approve the travel of more than 1 departmental employee to a specific professional development conference or training seminar that is located outside of this state unless the professional development conference or training seminar is funded by a federal or private funding source and requires more than 1 person from a department to attend, or the conference or training seminar includes multiple issues in which 1 employee from the department does not have expertise.

Sec. 285. (1) The department shall determine the cost to expand its current prescription drug website to provide all of the following information:

(a) The 150 most commonly prescribed brand name drug products under the Medicaid program and, if available, their generic equivalents.

(b) The most commonly prescribed brand name drug products used for the treatment of all major illnesses and diseases, if not already included under subdivision (a), and, if available, their generic equivalents.

(c) The usual and customary price of each brand name and generic prescription drug listed.

(d) The dosage, including the number of doses and dosage strength, on which the price is based.

(e) Names and addresses for the pharmacies associated with the listed prescription drugs.

(f) A minimum of 5 links to other useful websites that can provide assistance to consumers.

(g) The department's toll-free telephone number that residents of this state may call to determine which prescription drug programs they may be eligible for, including free and discounted prescription drug programs.

(h) An advisory statement alerting consumers of the need to tell their health professionals and pharmacists about all the medications they are taking so that they know how to avoid harmful interactions between medications.

(i) An advisory statement alerting consumers that the price posted for a listed drug product is only for the strength and quantity posted.

(j) A date stamp indicating the most recent date the usual and customary price of each brand name and generic prescription drug listed was updated.

(k) A notation indicating a prescription drug price was corrected.



(2) The department shall provide the results of the cost study to the senate and house appropriations subcommittees on community health and the senate and house fiscal agencies by May 1 of the current fiscal year.

#### **DEPARTMENTWIDE ADMINISTRATION**

Sec. 301. From funds appropriated for worker's compensation, the department may make payments in lieu of worker's compensation payments for wage and salary and related fringe benefits for employees who return to work under limited duty assignments.

Sec. 303. The department shall not require first-party payment from individuals or families with a taxable income of \$10,000.00 or less for mental health services for determinations made under section 818 of the mental health code, 1974 PA 258, MCL 330.1818.

#### **MENTAL HEALTH/SUBSTANCE ABUSE SERVICES ADMINISTRATION AND SPECIAL PROJECTS**

Sec. 350. The department may enter into a contract with the protection and advocacy agency, authorized under section 931 of the mental health code, 1974 PA 258, MCL 330.1931, or a similar organization to provide legal services for purposes of gaining and maintaining occupancy in a community living arrangement that is under lease or contract with the department or a community mental health services program to provide services to persons with mental illness or developmental disability.

#### **COMMUNITY MENTAL HEALTH/SUBSTANCE ABUSE SERVICES PROGRAMS**

Sec. 401. Funds appropriated in part 1 are intended to support a system of comprehensive community mental health services under the full authority and responsibility of local CMHSPs or PIHPs. The department shall ensure that each CMHSP or PIHP provides all of the following:

- (a) A system of single entry and single exit.
- (b) A complete array of mental health services that includes, but is not limited to, all of the following services: residential and other individualized living arrangements, outpatient services, acute inpatient services, and long-term, 24-hour inpatient care in a structured, secure environment.
- (c) The coordination of inpatient and outpatient hospital services through agreements with state-operated psychiatric hospitals, units, and centers in facilities owned or leased by the state, and privately-owned hospitals, units, and centers licensed by the state pursuant to sections 134 through 149b of the mental health code, 1974 PA 258, MCL 330.1134 to 330.1149b.
- (d) Individualized plans of service that are sufficient to meet the needs of individuals, including those discharged from psychiatric hospitals or centers, and that ensure the full range of recipient needs is addressed through the CMHSP's or PIHP's program or through assistance with locating and obtaining services to meet these needs.
- (e) A system of case management or care management to monitor and ensure the provision of services consistent with the individualized plan of services or supports.
- (f) A system of continuous quality improvement.
- (g) A system to monitor and evaluate the mental health services provided.
- (h) A system that serves at-risk and delinquent youth as required under the provisions of the mental health code, 1974 PA 258, MCL 330.1001 to 330.2106.

Sec. 402. (1) From funds appropriated in part 1, final authorizations to CMHSPs or PIHPs shall be made upon the execution of contracts between the department and CMHSPs or PIHPs. The contracts shall contain an approved plan and budget as well as policies and procedures governing the obligations and responsibilities of both parties to the contracts. Each contract with a CMHSP or PIHP that the department is authorized to enter into under this subsection shall include a provision that the contract is not valid unless the total dollar obligation for all of the contracts between the department and the CMHSPs or PIHPs entered into under this subsection for fiscal year 2008-2009 does not exceed the amount of money appropriated in part 1 for the contracts authorized under this subsection.

(2) The department shall immediately report to the senate and house of representatives appropriations subcommittees on community health, the senate and house fiscal agencies, and the state budget director if either of the following occurs:

- (a) Any new contracts with CMHSPs or PIHPs that would affect rates or expenditures are enacted.
- (b) Any amendments to contracts with CMHSPs or PIHPs that would affect rates or expenditures are enacted.
- (3) The report required by subsection (2) shall include information about the changes and their effects on rates and expenditures.

Sec. 403. (1) From the funds appropriated in part 1 for multicultural services, the department shall ensure that CMHSPs or PIHPs meet with multicultural service providers to develop a workable framework for contracting, service delivery, and reimbursement.

(2) Funds appropriated in part 1 for multicultural services shall not be utilized for services provided to illegal immigrants and people who are not residents of this state. The department shall modify contracts with recipients of multicultural services grants to mandate that grantees establish that recipients of services are legally residing in the United States. An exception to the contractual provision will be allowed to address persons presenting with emergent mental health conditions.

(3) The department shall require an annual report from the independent organizations that receive multicultural services funding. The annual report shall include specific information on services and programs provided, the client base to which the services and programs were provided, and the expenditures for those services. The department shall provide the annual reports to the senate and house appropriations subcommittees on community health and the senate and house fiscal agencies.

Sec. 404. (1) Not later than May 31 of the current fiscal year, the department shall provide a report on the community mental health services programs to the members of the house of representatives and senate appropriations subcommittees on community health, the house and senate fiscal agencies, and the state budget director that includes the information required by this section.

(2) The report shall contain information for each CMHSP or PIHP and a statewide summary, each of which shall include at least the following information:

(a) A demographic description of service recipients which, minimally, shall include reimbursement eligibility, client population, age, ethnicity, housing arrangements, and diagnosis.

(b) Per capita expenditures by client population group.

(c) Financial information that, minimally, includes a description of funding authorized; expenditures by client group and fund source; and cost information by service category, including administration. Service category includes all department-approved services.

(d) Data describing service outcomes that includes, but is not limited to, an evaluation of consumer satisfaction, consumer choice, and quality of life concerns including, but not limited to, housing and employment.

(e) Information about access to community mental health services programs that includes, but is not limited to, the following:

(i) The number of people receiving requested services.

(ii) The number of people who requested services but did not receive services.

(f) The number of second opinions requested under the code and the determination of any appeals.

(g) An analysis of information provided by CMHSPs in response to the needs assessment requirements of the mental health code, 1974 PA 258, MCL 330.1001 to 330.2106, including information about the number of persons in the service delivery system who have requested and are clinically appropriate for different services.

(h) Lapses and carryforwards during the immediately preceding fiscal year for CMHSPs or PIHPs.

(i) Information about contracts for mental health services entered into by CMHSPs or PIHPs with providers, including, but not limited to, all of the following:

(i) The amount of the contract, organized by type of service provided.

(ii) Payment rates, organized by the type of service provided.

(iii) Administrative costs for services provided to CMHSPs or PIHPs.

(j) Information on the community mental health Medicaid managed care program, including, but not limited to, both of the following:

(i) Expenditures by each CMHSP or PIHP organized by Medicaid eligibility group, including per eligible individual expenditure averages.

(ii) Performance indicator information required to be submitted to the department in the contracts with CMHSPs or PIHPs.

(k) An estimate of the number of direct care workers in local residential settings and paraprofessional and other nonprofessional direct care workers in settings where skill building, community living supports and training, and personal care services are provided by CMHSPs or PIHPs as of September 30, 2008 employed directly or through contracts with provider organizations.

(3) The department shall include data reporting requirements listed in subsection (2) in the annual contract with each individual CMHSP or PIHP.

(4) The department shall take all reasonable actions to ensure that the data required are complete and consistent among all CMHSPs or PIHPs.

Sec. 405. (1) It is the intent of the legislature that the employee wage pass-through funded in previous years to the community mental health services programs for direct care workers in local residential settings and for paraprofessional and other nonprofessional direct care workers in settings where skill building, community living supports and training, and personal care services are provided shall continue to be paid to direct care workers.

(2) It is the intent of the legislature that a 1% wage increase, effective February 1, 2009, be provided to direct care workers in local residential settings and for paraprofessional and other nonprofessional direct care workers in settings where skill building, community living supports and training, and personal care services are provided.

(3) Each CMHSP awarded wage pass-through money from the funds established under subsections (1) and (2) shall report on the actual expenditures of the money in the format determined by the department.

Sec. 406. (1) The funds appropriated in part 1 for the state disability assistance substance abuse services program shall be used to support per diem room and board payments in substance abuse residential facilities. Eligibility of clients for the state disability assistance substance abuse services program shall include needy persons 18 years of age or older, or emancipated minors, who reside in a substance abuse treatment center.

(2) The department shall reimburse all licensed substance abuse programs eligible to participate in the program at a rate equivalent to that paid by the department of human services to adult foster care providers. Programs accredited by department-approved accrediting organizations shall be reimbursed at the personal care rate, while all other eligible programs shall be reimbursed at the domiciliary care rate.

Sec. 407. (1) The amount appropriated in part 1 for substance abuse prevention, education, and treatment grants shall be expended for contracting with coordinating agencies. Coordinating agencies shall work with the CMHSPs or PIHPs to coordinate the care and services provided to individuals with both mental illness and substance abuse diagnoses.

(2) The department shall approve a fee schedule for providing substance abuse services and charge participants in accordance with their ability to pay.

(3) The department shall develop a feasibility study on a payment methodology that increases allotments to coordinating agencies that are also community mental health providers. The department shall report on this feasibility study on a payment methodology to the senate and house subcommittees on community health and the senate and house fiscal agencies by April 1 of the current fiscal year.

Sec. 408. (1) By April 15 of the current fiscal year, the department shall report the following data from fiscal year 2007-2008 on substance abuse prevention, education, and treatment programs to the senate and house of representatives appropriations subcommittees on community health, the senate and house fiscal agencies, and the state budget office:

(a) Expenditures stratified by coordinating agency, by central diagnosis and referral agency, by fund source, by subcontractor, by population served, and by service type. Additionally, data on administrative expenditures by coordinating agency and by subcontractor shall be reported.

(b) Expenditures per state client, with data on the distribution of expenditures reported using a histogram approach.

(c) Number of services provided by central diagnosis and referral agency, by subcontractor, and by service type. Additionally, data on length of stay, referral source, and participation in other state programs.

(d) Collections from other first- or third-party payers, private donations, or other state or local programs, by coordinating agency, by subcontractor, by population served, and by service type.

(2) The department shall take all reasonable actions to ensure that the required data reported are complete and consistent among all coordinating agencies.

Sec. 409. The funding in part 1 for substance abuse services shall be distributed in a manner that provides priority to service providers that furnish child care services to clients with children.

Sec. 410. The department shall assure that substance abuse treatment is provided to applicants and recipients of public assistance through the department of human services who are required to obtain substance abuse treatment as a condition of eligibility for public assistance.

Sec. 411. (1) The department shall ensure that each contract with a CMHSP or PIHP requires the CMHSP or PIHP to implement programs to encourage diversion of persons with serious mental illness, serious emotional disturbance, or developmental disability from possible jail incarceration when appropriate.

(2) Each CMHSP or PIHP shall have jail diversion services and shall work toward establishing working relationships with representative staff of local law enforcement agencies, including county prosecutors' offices, county sheriffs' offices, county jails, municipal police agencies, municipal detention facilities, and the courts. Written interagency agreements describing what services each participating agency is prepared to commit to the local jail diversion effort and the procedures to be used by local law enforcement agencies to access mental health jail diversion services are strongly encouraged.

Sec. 412. The department shall contract directly with the Salvation Army harbor light program to provide non-Medicaid substance abuse services at not less than the amount contracted for in fiscal year 2007-2008.

Sec. 414. Medicaid substance abuse treatment services shall be managed by selected PIHPs pursuant to the centers for Medicare and Medicaid services' approval of Michigan's 1915(b) waiver request to implement a managed care plan for specialized substance abuse services. The selected PIHPs shall receive a capitated payment on a per eligible per month basis to assure provision of medically necessary substance abuse services to all beneficiaries who require those services. The selected PIHPs shall be responsible for the reimbursement of claims for specialized substance abuse services. The PIHPs that are not coordinating agencies may continue to contract with a coordinating agency. Any alternative arrangement must be based on client service needs and have prior approval from the department.

Sec. 418. On or before the tenth of each month, the department shall report to the senate and house of representatives appropriations subcommittees on community health, the senate and house fiscal agencies, and the state budget director on the amount of funding paid to PIHPs to support the Medicaid managed mental health care program in the preceding month. The information shall include the total paid to each PIHP, per capita rate paid for each eligibility group for each PIHP, and number of cases in each eligibility group for each PIHP, and year-to-date summary of eligibles and expenditures for the Medicaid managed mental health care program.

Sec. 423. (1) The department shall work cooperatively with the departments of human services, corrections, education, state police, and military and veterans affairs to coordinate and improve the delivery of substance abuse prevention, education, and treatment programs within existing appropriations.

(2) The department shall establish a work group composed of representatives of the department, the departments of human services, corrections, education, state police, and military and veterans affairs, coordinating agencies, CMHSPs, and any other persons considered appropriate to examine and review the source and expenditure of all public and private funds made available for substance abuse programs and services. The work group shall develop and recommend cost-effective measures for the expenditure of funds and delivery of substance abuse programs and services. The department shall submit the findings of the work group to the house of representatives and senate appropriations subcommittees on community health, the house and senate fiscal agencies, and the state budget director by May 31 of the current fiscal year.

Sec. 424. Each PIHP that contracts with the department to provide services to the Medicaid population shall adhere to the following timely claims processing and payment procedure for claims submitted by health professionals and facilities:

(a) A "clean claim" as described in section 111i of the social welfare act, 1939 PA 280, MCL 400.111i, shall be paid within 45 days after receipt of the claim by the PIHP. A clean claim that is not paid within this time frame shall bear simple interest at a rate of 12% per annum.

(b) A PIHP must state in writing to the health professional or facility any defect in the claim within 30 days after receipt of the claim.

(c) A health professional and a health facility have 30 days after receipt of a notice that a claim or a portion of a claim is defective within which to correct the defect. The PIHP shall pay the claim within 30 days after the defect is corrected.

Sec. 428. Each PIHP shall provide, from internal resources, local funds to be used as a bona fide part of the state match required under the Medicaid program in order to increase capitation rates for PIHPs. These funds shall not include either state funds received by a CMHSP for services provided to non-Medicaid recipients or the state matching portion of the Medicaid capitation payments made to a PIHP.

Sec. 435. A county required under the provisions of the mental health code, 1974 PA 258, MCL 330.1001 to 330.2106, to provide matching funds to a CMHSP for mental health services rendered to residents in its jurisdiction shall pay the matching funds in equal installments on not less than a quarterly basis throughout the fiscal year, with the first payment being made by October 1 of the current fiscal year.

Sec. 442. (1) It is the intent of the legislature that the \$40,000,000.00 in funding transferred from the community mental health non-Medicaid services line to support the Medicaid adult benefits waiver program be used to provide state match for increases in federal funding for primary care and specialty services provided to Medicaid adult benefits waiver enrollees and for economic increases for the Medicaid specialty services and supports program.

(2) The department shall assure that persons enrolled in the Medicaid adult benefits waiver program shall receive mental health services as approved in the state plan amendment.

(3) Capitation payments to CMHSPs for persons who become enrolled in the Medicaid adult benefits waiver program shall be made using the same rate methodology as payments for the current Medicaid beneficiaries.

(4) If enrollment in the Medicaid adult benefits waiver program does not achieve expectations and the funding appropriated for the Medicaid adult benefits waiver program for specialty services is not expended, the general fund balance shall be transferred back to the community mental health non-Medicaid services line. The department shall report quarterly to the senate and house of representatives appropriations subcommittees on community health a summary of eligible expenditures for the Medicaid adult benefits waiver program by CMHSPs.

Sec. 452. Unless otherwise authorized by law, the department shall not implement retroactively any policy that would lead to a negative financial impact on CMHSPs or PIHPs.

Sec. 456. (1) CMHSPs and PIHPs shall honor consumer choice to the fullest extent possible when providing services and support programs for individuals with mental illness, developmental disabilities, or substance abuse issues. Consumer choices shall include skill-building assistance, rehabilitative and habilitative services, supported and integrated employment services program settings, and other work preparatory services provided in the community or by accredited community-based rehabilitation organizations. CMHSPs and PIHPs shall not arbitrarily eliminate or restrict any choices from the array of services and program settings available to consumers without reasonable justification that those services are not in the consumer's best interest.

(2) CMHSPs and PIHPs shall take all necessary steps to ensure that individuals with mental illness, developmental disabilities, or substance abuse issues be placed in the least restrictive setting in the quickest amount of time possible if it is the individual's choice.

Sec. 458. By April 15 of the current fiscal year, the department shall provide each of the following to the house of representatives and senate appropriations subcommittees on community health, the house and senate fiscal agencies, and the state budget director:

(a) An updated plan for implementing each of the recommendations of the Michigan mental health commission made in the commission's report dated October 15, 2004.

(b) A report that evaluates the cost-benefit of establishing secure residential facilities of fewer than 17 beds for adults with serious mental illness, modeled after such programming in Oregon or other states. This report shall examine the potential impact that utilization of secure residential facilities would have upon the state's need for adult mental health facilities.

(c) In conjunction with the state court administrator's office, a report that evaluates the cost-benefit of establishing a specialized mental health court program that diverts adults with serious mental illness alleged to have committed an offense deemed nonserious into treatment prior to the filing of any charges.

Sec. 459. From the funds appropriated in part 1 for mental health court pilot programs, the department shall work with the judiciary, including the state court administrative office, to develop guidelines for the operation and evaluation of pilot mental health courts. Local CMHSPs and trial courts interested in becoming mental health court pilot sites shall submit a joint application for funding prepared in accordance with guidelines established by the department and judiciary. The applications shall include documentation of community needs and a commitment to the program by key stakeholders, including the local courts, law enforcement, prosecutor, defense counsel, and treatment providers.

Sec. 460. (1) The uniform definitions, standards, and instructions for the classification, allocation, assignment, calculation, recording, and reporting of administrative costs by PIHPs, CMHSPs, and contracted organized provider systems that receive payment or reimbursement from funds appropriated under section 104 that were implemented in fiscal year 2006-2007 by the department shall also be implemented for their subcontractors in fiscal year 2008-2009.

(2) The department shall provide the house of representatives and senate appropriations subcommittees on community health, the house of representatives and senate fiscal agencies, and the state budget director with a progress report on the implementation required under subsection (1). The progress report is due on July 1 of the current fiscal year.

Sec. 462. The department shall develop a funding equity plan for all CMHSPs that receive funds appropriated under the community mental health non-Medicaid services line. The funding plan should reflect a more equitable distribution methodology based on proxy measures of need and the recognition of varying expenditure needs of CMHSPs. The department shall submit the written equity funding plan and a report regarding implementation feasibility of the equity funding plan including an impact statement to the senate and house appropriations subcommittees on community health, the senate and house fiscal agencies, and the state budget director by March 1 of the current fiscal year.

Sec. 463. The department shall use standard program evaluation measures to assess the overall effectiveness of programs provided through coordinating agencies and service providers in reducing and preventing the incidence of substance abuse. The measures established by the department shall be modeled after the program outcome measures and best practice guidelines for the treatment of substance abuse as proposed by the federal substance abuse and mental health services administration.

Sec. 464. It is the intent of the legislature that revenue received by the department from liquor license fees be expended at not less than the amount provided in fiscal year 2006-2007, to fund programs for the prevention, rehabilitation, care, and treatment of alcoholics pursuant to sections 543(1) and 1115(2) of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1543 and 436.2115.

Sec. 465. Funds appropriated in part 1 for respite services shall be used for direct respite care services for children with serious emotional disturbances and their families. Not more than 1% of the funds allocated for respite services shall be expended by CMHSPs for administration and administrative purposes.

Sec. 467. If funds become available, the department shall increase funding paid from the community substance abuse prevention, education, and treatment programs line item to the substance abuse coordinating agencies to the level of funding provided in fiscal year 2002-2003.

Sec. 468. To foster a more efficient administration of and to integrate care in publicly funded mental health and substance abuse services, the department shall maintain criteria for the incorporation of a city, county, or regional substance abuse coordinating agency into a local community mental health authority that will encourage those city, county, or regional coordinating agencies to incorporate as local community mental health authorities. If necessary, the department may make accommodations or adjustments in formula distribution to address administrative costs related to the maintenance of the criteria under this section and to the incorporation of the additional coordinating agencies into local community mental health authorities provided that all of the following are satisfied:

(a) The department provides funding for the administrative costs incurred by coordinating agencies incorporating into community mental health authorities. The department shall not provide more than \$75,000.00 to any coordinating agency for administrative costs.

(b) The accommodations or adjustments do not favor coordinating agencies who voluntarily elect to integrate with local community mental health authorities.

(c) The accommodations or adjustments do not negatively affect other coordinating agencies.

Sec. 470. (1) For those substance abuse coordinating agencies that have voluntarily incorporated into community mental health authorities and accepted funding from the department for administrative costs incurred pursuant to section 468, the department shall establish written expectations for those CMHSPs, PIHPs, and substance abuse coordinating agencies and counties with respect to the integration of mental health and substance abuse services. At a minimum, the written expectations shall provide for the integration of those services as follows:

(a) Coordination and consolidation of administrative functions and redirection of efficiencies into service enhancements.

(b) Consolidation of points of 24-hour access for mental health and substance abuse services in every community.

(c) Alignment of coordinating agencies and PIHPs boundaries to maximize opportunities for collaboration and integration of administrative functions and clinical activities.

(2) By May 1 of the current fiscal year, the department shall report to the house of representatives and senate appropriations subcommittees on community health, the house and senate fiscal agencies, and the state budget office on the impact and effectiveness of this section and the status of the integration of mental health and substance abuse services.

Sec. 474. The department shall ensure that each contract with a CMHSP or PIHP requires the CMHSP or PIHP to provide each recipient and his or her family with information regarding the different types of guardianship and the alternatives to guardianship. A CMHSP or PIHP shall not, in any manner, attempt to reduce or restrict the ability of a recipient or his or her family from seeking to obtain any form of legal guardianship without just cause.

Sec. 480. The department shall provide to the senate and house appropriations subcommittees on community health and the senate and house fiscal agencies by March 30 of the current fiscal year a report on the number and reimbursement cost of atypical antipsychotic prescriptions by each PIHP for Medicaid beneficiaries.

Sec. 482. From the funds appropriated in part 1, the department shall continue funding for programs provided by Odyssey house at the levels in effect during fiscal year 2007-2008.

Sec. 483. (1) A Medicaid recipient shall remain eligible and a qualifying applicant shall be determined eligible for medical assistance during a period of incarceration or detention. Medicaid coverage is limited during such a period to off-site inpatient hospitalization only.

(2) A Medicaid recipient is considered incarcerated or detained until released on bail, released as not guilty, released on parole, released on probation, released on pardon, released upon completing a sentence, or released under home detention or tether.

Sec. 486. From the funds appropriated in part 1, up to \$100.00 may be allocated for mental health prevention initiatives. **STATE PSYCHIATRIC HOSPITALS, CENTERS FOR PERSONS WITH DEVELOPMENTAL DISABILITIES, AND FORENSIC AND PRISON MENTAL HEALTH SERVICES**

Sec. 601. (1) In funding of staff in the financial support division, reimbursement, and billing and collection sections, priority shall be given to obtaining third-party payments for services. Collection from individual recipients of services and their families shall be handled in a sensitive and nonharassing manner.

(2) The department shall continue a revenue recapture project to generate additional revenues from third parties related to cases that have been closed or are inactive. Revenues collected through project efforts are appropriated to the department for departmental costs and contractual fees associated with these retroactive collections and to improve ongoing departmental reimbursement management functions.

Sec. 602. Unexpended and unencumbered amounts and accompanying expenditure authorizations up to \$1,000,000.00 remaining on September 30 of the current fiscal year from the amounts appropriated in part 1 for gifts and bequests for patient living and treatment environments shall be carried forward for 1 fiscal year. The purpose of gifts and bequests for patient living and treatment environments is to use additional private funds to provide specific enhancements for individuals residing at state-operated facilities. Use of the gifts and bequests shall be consistent with the stipulation of the donor. The expected completion date for the use of gifts and bequests donations is within 3 years unless otherwise stipulated by the donor.

Sec. 603. The funds appropriated in part 1 for forensic mental health services provided to the department of corrections are in accordance with the interdepartmental plan developed in cooperation with the department of corrections. The department is authorized to receive and expend funds from the department of corrections in addition to the appropriations in part 1 to fulfill the obligations outlined in the interdepartmental agreements.

Sec. 604. (1) The CMHSPs or PIHPs shall provide annual reports to the department on the following information:

(a) The number of days of care purchased from state hospitals and centers.

(b) The number of days of care purchased from private hospitals in lieu of purchasing days of care from state hospitals and centers.

(c) The number and type of alternative placements to state hospitals and centers other than private hospitals.

(d) Waiting lists for placements in state hospitals and centers.

(2) The department shall annually report the information in subsection (1) to the house of representatives and senate appropriations subcommittees on community health, the house and senate fiscal agencies, and the state budget director.

Sec. 605. (1) The department shall not implement any closures or consolidations of state hospitals, centers, or agencies until CMHSPs or PIHPs have programs and services in place for those persons currently in those facilities and a plan for service provision for those persons who would have been admitted to those facilities.

(2) All closures or consolidations are dependent upon adequate department-approved CMHSP and PIHP plans that include a discharge and aftercare plan for each person currently in the facility. A discharge and aftercare plan shall address the person's housing needs. A homeless shelter or similar temporary shelter arrangements are inadequate to meet the person's housing needs.

(3) Four months after the certification of closure required in section 19(6) of the state employees' retirement act, 1943 PA 240, MCL 38.19, the department shall provide a closure plan to the house of representatives and senate appropriations subcommittees on community health and the state budget director.

(4) Upon the closure of state-run operations and after transitional costs have been paid, the remaining balances of funds appropriated for that operation shall be transferred to CMHSPs or PIHPs responsible for providing services for persons previously served by the operations.

Sec. 606. The department may collect revenue for patient reimbursement from first- and third-party payers, including Medicaid and local county CMHSP payers, to cover the cost of placement in state hospitals and centers. The department is authorized to adjust financing sources for patient reimbursement based on actual revenues earned. If the revenue collected exceeds current year expenditures, the revenue may be carried forward with approval of the state budget director. The revenue carried forward shall be used as a first source of funds in the subsequent year.

Sec. 607. If Senate Bill No. 369 of the 94th Legislature is enacted into law, the department shall provide all necessary support to state hospitals to ensure that mandated changes in the operation of state hospitals and centers are completed in a timely and efficient manner.

Sec. 608. By January 1 of the current fiscal year, the department shall evaluate the privatization of food and custodial services at all of the state hospitals and centers and submit a copy of the evaluation to the house and senate appropriations subcommittees on community health and to the house and senate fiscal agencies. The evaluation shall include a detailed cost-benefit analysis utilizing accurate, reliable, and objective data that compares state costs versus the contractual costs over the life of a contract. If the evaluation identifies privatization savings of at least 10%, the department, in consultation with the department of management and budget, shall establish and implement a bid process to identify 1 or more private or public contractors to provide food service and custodial services at each state hospital and center.

Sec. 609. Effective October 1, 2008, the department shall ban the use of all tobacco products in and on the grounds of state psychiatric facilities. As used in this section, "tobacco product" means a product that contains tobacco and is intended for human consumption, including, but not limited to, cigarettes, noncigarette smoking tobacco, or smokeless tobacco, as those terms are defined in section 2 of the tobacco products tax act, 1993 PA 327, MCL 205.422, and cigars.

#### **PUBLIC HEALTH ADMINISTRATION**

Sec. 650. The department shall communicate the annual public health consumption advisory for sportfish. The department shall, at a minimum, post the advisory on the Internet and make the information in the advisory available to the clients of the women, infants, and children special supplemental nutrition program.

Sec. 651. By April 30 of the current fiscal year, the department shall submit a report to the house and senate fiscal agencies and the state budget director on the activities and efforts of the department to improve the health status of the citizens of this state with regard to the goals and objectives stated in the "Healthy Michigan 2010" report, and the measurable progress made toward those goals and objectives.

#### **HEALTH POLICY, REGULATION, AND PROFESSIONS**

Sec. 704. The department shall continue to contract with grantees supported through the appropriation in part 1 for the emergency medical services grants and contracts to ensure that a sufficient number of qualified emergency medical services personnel exist to serve rural areas of the state.

Sec. 706. When hiring any new nursing home inspectors funded through appropriations in part 1, the department shall make every effort to hire qualified individuals with past experience in the long-term care industry.

Sec. 707. The funds appropriated in part 1 for the nursing scholarship program, established in section 16315 of the public health code, 1978 PA 368, MCL 333.16315, shall be used to increase the number of nurses practicing in Michigan. The board of nursing is encouraged to structure scholarships funded under this act in a manner that rewards recipients who intend to practice nursing in Michigan. In addition, the department and the board of nursing shall work cooperatively with the Michigan higher education assistance authority to coordinate scholarship assistance with scholarships provided pursuant to the Michigan nursing scholarship act, 2002 PA 591, MCL 390.1181 to 390.1189.

Sec. 708. Nursing facilities shall report in the quarterly staff report to the department, the total patient care hours provided each month, by state licensure and certification classification, and the percentage of pool staff, by state licensure and certification classification, used each month during the preceding quarter. The department shall make available to the public, the quarterly staff report compiled for all facilities including the total patient care hours and the percentage of pool staff used, by classification.

Sec. 709. The funds appropriated in part 1 for the Michigan essential health care provider program may also provide loan repayment for dentists that fit the criteria established by part 27 of the public health code, 1978 PA 368, MCL 333.2701 to 333.2727.

Sec. 710. From the funds appropriated in part 1 for primary care services, an amount not to exceed \$2,172,700.00 is appropriated to enhance the service capacity of the federally qualified health centers and other health centers that are similar to federally qualified health centers.

Sec. 711. The department may make available to interested entities customized listings of nonconfidential information in its possession, such as names and addresses of licensees. The department may establish and collect a reasonable charge to provide this service. The revenue received from this service shall be used to offset expenses to provide the service. Any balance of this revenue collected and unexpended at the end of the fiscal year shall revert to the appropriate restricted fund.

Sec. 712. From the funds appropriated in part 1 for primary care services, \$250,000.00 shall be allocated to free health clinics operating in the state. The department shall distribute the funds equally to each free health clinic. For the purpose of this appropriation, free health clinics are nonprofit organizations that use volunteer health professionals to provide care to uninsured individuals.

Sec. 713. The department is directed to continue support of multicultural agencies that provide primary care services from the funds appropriated in part 1.

Sec. 714. The department shall report to the legislature on the timeliness of nursing facility complaint investigations and the number of allegations that are substantiated on an annual basis. The report shall consist of the number of allegations filed by consumers and the number of facility-reported incidents. The department shall make every effort to contact every complainant and the subject of a complaint during an investigation.

Sec. 715. From the funds appropriated in part 1 for primary care services, up to \$100.00 is appropriated for the department to establish a pilot program in the city of Detroit for a nonurgent medical response service.

Sec. 716. The department shall give priority in investigations of alleged wrongdoing by licensed health care professionals to instances that are alleged to have occurred within 2 years of the initial complaint.

Sec. 717. From the funds appropriated in part 1 for primary care services, up to \$100.00 may be allocated for the HealthKey program for the uninsured.

Sec. 718. The department shall gather information on its most frequently cited complaint deficiencies for the prior 3 fiscal years. The department shall determine whether there is an increase in the number of citations from 1 year to the next and assess the cause of the increase, if any, and whether education and training of nursing facility staff or department staff is needed. The department will implement any training indicated by the study. The department shall provide the results of the study to the senate and house appropriations subcommittees on community health and the senate and house fiscal agencies by May 1 of the current fiscal year.

Sec. 720. From the funds appropriated in part 1 for primary care services, \$75,000.00 shall be allocated to the Helen M. Nickless volunteer clinic in Bay City.

Sec. 722. A medical professional who is newly accepted into the Michigan essential health provider program in fiscal year 2008-2009 is eligible for 4 years of loan repayments.

Sec. 724. From the funds appropriated in part 1 for emergency medical services program state staff, up to \$100.00 may be allocated for the development of a coordinated statewide trauma care system.

Sec. 725. From the funds appropriated in part 1 for rural health services, up to \$100.00 may be allocated to support rural health improvement as identified in "Michigan Strategic Opportunities for Rural Health Improvement, A State Rural Health Plan 2008-2012". The department shall make these funds available to rural and micropolitan communities under a competitive bid process. The department shall not allocate more than \$5,000.00 to each rural or micropolitan community under this section. The department shall not allocate funds appropriated under this section unless a 50/50 state and local match rate has occurred. The department shall submit a report to the house and senate appropriations subcommittees on community health, house and senate fiscal agencies, and state budget director by April 1 of the current fiscal year on the projects supported by this allocation.

### **INFECTIOUS DISEASE CONTROL**

Sec. 801. In the expenditure of funds appropriated in part 1 for AIDS programs, the department and its subcontractors shall ensure that high-risk individuals ages 9 through 18 receive priority for prevention, education, and outreach services.

Sec. 803. The department shall continue the AIDS drug assistance program maintaining the prior year eligibility criteria and drug formulary. This section is not intended to prohibit the department from providing assistance for improved AIDS treatment medications. If the appropriation in part 1 or actual revenue is not sufficient to maintain the prior year eligibility criteria and drug formulary, the department may revise the eligibility criteria and drug formulary in a manner that is consistent with federal program guidelines.

Sec. 804. The department, in conjunction with efforts to implement the Michigan prisoner reentry initiative, shall cooperate with the department of corrections to share data and information as they relate to prisoners being released who are HIV positive or positive for the Hepatitis C antibody. By April 1 of the current fiscal year, the department shall report to the senate and house appropriations subcommittees on community health, the senate and house fiscal agencies, and the state budget director on the progress and results of its work as permitted under federal law and the potential outcomes from its work with the department of corrections under this section.

### **EPIDEMIOLOGY**

Sec. 851. The department shall provide a report annually to the house of representatives and senate appropriations subcommittees on community health, the senate and house fiscal agencies, and the state budget director on the expenditures and activities undertaken by the lead abatement program. The report shall include, but is not limited to, a funding allocation schedule, expenditures by category of expenditure and by subcontractor, revenues received, description of program elements, and description of program accomplishments and progress.

Sec. 852. (1) From the funds appropriated in part 1 for the methamphetamine cleanup fund, the department shall allow local governments to apply for money to cover their administrative costs associated with the methamphetamine cleanup efforts. The funds allocated to local governments for the administrative costs associated with methamphetamine cleanup efforts shall not exceed \$800.00 per property.

(2) The department shall work with the Michigan association of counties to ensure that counties are aware that the funds appropriated in part 1 for methamphetamine cleanup activities are available.



**LOCAL HEALTH ADMINISTRATION AND GRANTS**

Sec. 901. The amount appropriated in part 1 for implementation of the 1993 additions of or amendments to sections 9161, 16221, 16226, 17014, 17015, and 17515 of the public health code, 1978 PA 368, MCL 333.9161, 333.16221, 333.16226, 333.17014, 333.17015, and 333.17515, shall reimburse local health departments for costs incurred related to implementation of section 17015(18) of the public health code, 1978 PA 368, MCL 333.17015.

Sec. 902. If a county that has participated in a district health department or an associated arrangement with other local health departments takes action to cease to participate in such an arrangement after October 1, 2008, the department shall have the authority to assess a penalty from the local health department's operational accounts in an amount equal to no more than 6.25% of the local health department's local public health operations funding. This penalty shall only be assessed to the local county that requests the dissolution of the health department.

Sec. 904. (1) Funds appropriated in part 1 for local public health operations shall be prospectively allocated to local health departments to support immunizations, infectious disease control, sexually transmitted disease control and prevention, hearing screening, vision services, food protection, public water supply, private groundwater supply, and on-site sewage management. Food protection shall be provided in consultation with the Michigan department of agriculture. Public water supply, private groundwater supply, and on-site sewage management shall be provided in consultation with the Michigan department of environmental quality.

(2) Local public health departments shall be held to contractual standards for the services in subsection (1).

(3) Distributions in subsection (1) shall be made only to counties that maintain local spending in fiscal year 2008-2009 at least the amount expended in fiscal year 1992-1993 for the services described in subsection (1).

(4) By April 1 of the current fiscal year, the department shall make available a report to the senate and house of representatives appropriations subcommittees on community health, the senate and house fiscal agencies, and the state budget director on the planned allocation of the funds appropriated for local public health operations.

**CHRONIC DISEASE AND INJURY PREVENTION AND HEALTH PROMOTION**

Sec. 1003. Funds appropriated in part 1 for the Alzheimer's information network shall be used to provide information and referral services through regional networks for persons with Alzheimer's disease or related disorders, their families, and health care providers.

Sec. 1006. (1) In spending the funds appropriated in part 1 for the smoking prevention program, priority shall be given to prevention and smoking cessation programs for pregnant women, women with young children, and adolescents.

(2) For purposes of complying with 2004 PA 164, \$900,000.00 of the funds appropriated in part 1 for the smoking prevention program shall be used for the quit kit program that includes the nicotine patch or nicotine gum.

Sec. 1007. (1) The funds appropriated in part 1 for violence prevention shall be used for, but not be limited to, the following:

(a) Programs aimed at the prevention of spouse, partner, or child abuse and rape.

(b) Programs aimed at the prevention of workplace violence.

(2) In awarding grants from the amounts appropriated in part 1 for violence prevention, the department shall give equal consideration to public and private nonprofit applicants.

(3) From the funds appropriated in part 1 for violence prevention, the department may include local school districts as recipients of the funds for family violence prevention programs.

Sec. 1008. From the funds appropriated in part 1 for the diabetes and kidney program, the department may allocate up to \$25,000.00 for a diabetes management pilot project in Muskegon County.

Sec. 1009. From the funds appropriated in part 1 for the diabetes and kidney program, a portion of the funds may be allocated to the National Kidney Foundation of Michigan for kidney disease prevention programming including early identification and education programs and kidney disease prevention demonstration projects.

Sec. 1010. From the funds appropriated in part 1 for chronic disease prevention, \$200,000.00 shall be allocated for osteoporosis prevention and treatment education.

Sec. 1019. From the funds appropriated in part 1 for chronic disease prevention, \$50,000.00 may be allocated for stroke prevention, education, and outreach. The objectives of the program shall include education to assist persons in identifying risk factors, and education to assist persons in the early identification of the occurrence of a stroke in order to minimize stroke damage.

Sec. 1028. Contingent on the availability of state restricted healthy Michigan fund money or federal preventive health and health services block grant fund money, funds may be appropriated for the African-American male health initiative.

Sec. 1031. (1) From the funds appropriated in part 1 for the injury control intervention project, \$300,000.00 shall be used to establish 2 incentive-based pilot programs for level I and level II trauma hospitals to ensure greater state utilization of an interactive, evidence-based treatment guideline model for traumatic brain injury.

(2) One pilot program shall be placed in a county of less than 225,000. The other pilot program shall be placed in a county with a population over 1,000,000.

Sec. 1032. From the funds appropriated in part 1 for the cancer prevention and control program, up to \$100.00 may be allocated to the Van Andel Institute for phase II of the predictive molecular therapeutics program for the late stage treatment of Medicaid eligible pediatric and adult cancer patients.

Sec. 1033. From the funds appropriated in part 1 for the cancer prevention and control program, up to \$100.00 may be allocated to the kids kicking cancer program.

Sec. 1034. From the funds appropriated in part 1 for physical fitness, nutrition, and health, up to \$100.00 may be allocated to the Michigan snowsports industries association for the cold is cool program to expose Michigan schoolchildren to outdoor winter activities and downhill skiing.

#### **FAMILY, MATERNAL, AND CHILDREN'S HEALTH SERVICES**

Sec. 1101. The department shall review the basis for the distribution of funds to local health departments and other public and private agencies for the women, infants, and children food supplement program; family planning; and prenatal care outreach and service delivery support program and indicate the basis upon which any projected underexpenditures by local public and private agencies shall be reallocated to other local agencies that demonstrate need.

Sec. 1104. (1) Before April 1 of the current fiscal year, the department shall submit a report to the house and senate fiscal agencies and the state budget director on planned allocations from the amounts appropriated in part 1 for local MCH services, prenatal care outreach and service delivery support, family planning local agreements, and pregnancy prevention programs. Using applicable federal definitions, the report shall include information on all of the following:

(a) Funding allocations.

(b) Actual number of women, children, and/or adolescents served and amounts expended for each group for the immediately preceding fiscal year.

(c) A breakdown of the expenditure of these funds between urban and rural communities.

(2) The department shall ensure that the distribution of funds through the programs described in subsection (1) takes into account the needs of rural communities.

(3) For the purposes of this section, "rural" means a county, city, village, or township with a population of 30,000 or less, including those entities if located within a metropolitan statistical area.

Sec. 1105. For all programs for which an appropriation is made in part 1, the department shall contract with those local agencies best able to serve clients. Factors to be used by the department in evaluating agencies under this section include the ability to serve high-risk population groups; ability to provide access to individuals in need of services in rural communities; ability to serve low-income clients, where applicable; availability of, and access to, service sites; management efficiency; and ability to meet federal standards, when applicable.

Sec. 1106. Each family planning program receiving federal title X family planning funds under 42 USC 300 to 300a-8 shall be in compliance with all performance and quality assurance indicators that the office of family planning within the United States department of health and human services specifies in the family planning annual report. An agency not in compliance with the indicators shall not receive supplemental or reallocated funds.

Sec. 1107. Of the amount appropriated in part 1 for prenatal care outreach and service delivery support, not more than 9% shall be expended for local administration, data processing, and evaluation.

Sec. 1108. The funds appropriated in part 1 for pregnancy prevention programs shall not be used to provide abortion counseling, referrals, or services.

Sec. 1109. (1) From the amounts appropriated in part 1 for dental programs, funds shall be allocated to the Michigan dental association for the administration of a volunteer dental program that provides dental services to the uninsured in an amount that is no less than the amount allocated to that program in fiscal year 1996-1997.

(2) Not later than December 1 of the current fiscal year, the department shall make available upon request a report to the senate or house of representatives appropriations subcommittee on community health or the senate or house of representatives standing committee on health policy the number of individual patients treated, number of procedures performed, and approximate total market value of those procedures from the immediately preceding fiscal year.

Sec. 1110. Agencies that currently receive pregnancy prevention funds and either receive or are eligible for other family planning funds shall have the option of receiving all of their family planning funds directly from the department and be designated as delegate agencies.

Sec. 1111. The department shall allocate no less than 88% of the funds appropriated in part 1 for family planning local agreements and the pregnancy prevention program for the direct provision of family planning/pregnancy prevention services.

Sec. 1112. From the funds appropriated in part 1 for prenatal care outreach and service delivery support, the department shall allocate at least \$1,000,000.00 to communities with high infant mortality rates.

Sec. 1116. The department shall convene appropriate stakeholders to determine the efficacy and impact of restoring a statewide coordinated regional perinatal system in Michigan. A report shall be produced that reflects best practices, expected potential impact on infant mortality, and recommendations for policy and funding of such a system in Michigan. The report shall be provided to the house and senate appropriations subcommittees on community health and standing committees on health policy, the house and senate fiscal agencies, and the state budget director by April 1, 2009.

Sec. 1129. The department shall provide a report annually to the house of representatives and senate appropriations subcommittees on community health, the house and senate fiscal agencies, and the state budget director on the number of children with elevated blood lead levels from information available to the department. The report shall provide the information by county, shall include the level of blood lead reported, and shall indicate the sources of the information.

Sec. 1132. From the funds appropriated in part 1 for special projects, \$400,000.00 shall be allocated to the nurse family partnership program.

Sec. 1133. The department shall release infant mortality rate data to all local public health departments 72 hours or more before releasing infant mortality rate data to the public.

Sec. 1135. (1) Provision of the school health education curriculum, such as the Michigan model or another comprehensive school health education curriculum, shall be in accordance with the health education goals established by the Michigan model for comprehensive school health education state steering committee. The state steering committee shall be comprised of a representative from each of the following offices and departments:

- (a) The department of education.
- (b) The department of community health.
- (c) The health administration in the department of community health.
- (d) The bureau of mental health and substance abuse services in the department of community health.
- (e) The department of human services.
- (f) The department of state police.

(2) Upon written or oral request, a pupil not less than 18 years of age or a parent or legal guardian of a pupil less than 18 years of age, within a reasonable period of time after the request is made, shall be informed of the content of a course in the health education curriculum and may examine textbooks and other classroom materials that are provided to the pupil or materials that are presented to the pupil in the classroom. This subsection does not require a school board to permit pupil or parental examination of test questions and answers, scoring keys, or other examination instruments or data used to administer an academic examination.

Sec. 1137. From the funds appropriated in part 1 for special projects, up to \$100.00 may be allocated to support an Alzheimer's disease patient care training program involving a community college and a retirement community.

#### **WOMEN, INFANTS, AND CHILDREN FOOD AND NUTRITION PROGRAM**

Sec. 1151. The department may work with local participating agencies to define local annual contributions for the farmer's market nutrition program, project FRESH, to enable the department to request federal matching funds based on local commitment of funds.

Sec. 1153. The department shall ensure that individuals residing in rural communities have sufficient access to the services offered through the WIC program.

#### **CHILDREN'S SPECIAL HEALTH CARE SERVICES**

Sec. 1201. Funds appropriated in part 1 for medical care and treatment of children with special health care needs shall be paid according to reimbursement policies determined by the Michigan medical services program. Exceptions to these policies may be taken with the prior approval of the state budget director. The department shall report to the senate and house appropriations subcommittees on community health and the senate and house fiscal agencies the number of exceptions granted under this section.

Sec. 1202. The department may do 1 or more of the following:

- (a) Provide special formula for eligible clients with specified metabolic and allergic disorders.
- (b) Provide medical care and treatment to eligible patients with cystic fibrosis who are 21 years of age or older.
- (c) Provide genetic diagnostic and counseling services for eligible families.
- (d) Provide medical care and treatment to eligible patients with hereditary coagulation defects, commonly known as hemophilia, who are 21 years of age or older.

Sec. 1203. All children who are determined medically eligible for the children's special health care services program shall be referred to the appropriate locally based services program in their community.

#### **OFFICE OF DRUG CONTROL POLICY**

Sec. 1250. The department shall provide up to \$1,800,000.00 in Byrne justice assistance grant program funding to the judiciary by interdepartmental grant.

#### **CRIME VICTIM SERVICES COMMISSION**

Sec. 1302. From the funds appropriated in part 1 for justice assistance grants, up to \$200,000.00 shall be allocated for expansion of forensic nurse examiner programs to facilitate training for improved evidence collection for the prosecution of sexual assault. The funds shall be used for program coordination, training, and counseling. Unexpended funds shall be carried forward.

Sec. 1304. The department shall work with the department of state police, the Michigan health and hospital association, the Michigan state medical society, and the Michigan nurses association to ensure that the recommendations included in the "Standard Recommended Procedures for the Emergency Treatment of Sexual Assault Victims" are followed in the collection of evidence.

#### **OFFICE OF SERVICES TO THE AGING**

Sec. 1401. The appropriation in part 1 to the office of services to the aging, for community and nutrition services and home services, shall be restricted to eligible individuals at least 60 years of age who fail to qualify for home care services under title XVIII, XIX, or XX.

Sec. 1403. (1) The office of services to the aging shall require each region to report to the office of services to the aging home-delivered meals waiting lists based upon standard criteria. Determining criteria shall include all of the following:

- (a) The recipient's degree of frailty.
- (b) The recipient's inability to prepare his or her own meals safely.
- (c) Whether the recipient has another care provider available.
- (d) Any other qualifications normally necessary for the recipient to receive home-delivered meals.

(2) Data required in subsection (1) shall be recorded only for individuals who have applied for participation in the home-delivered meals program and who are initially determined as likely to be eligible for home-delivered meals.

Sec. 1404. The area agencies and local providers may receive and expend fees for the provision of day care, care management, respite care, and certain eligible home- and community-based services. The fees shall be based on a sliding scale, taking client income into consideration. The fees shall be used to expand services.

Sec. 1406. The appropriation of \$5,000,000.00 of merit award trust funds to the office of services to the aging for the respite care program shall be allocated in accordance with a long-term care plan developed by the long-term care working group established in section 1657 of 1998 PA 336 upon implementation of the plan. The use of the funds shall be for direct respite care or adult respite care center services. Not more than 9% of the amount allocated under this section shall be expended for administration and administrative purposes.

Sec. 1413. The legislature affirms the commitment to locally based services. The legislature supports the role of local county board of commissioners in the approval of area agency on aging plans. Local counties may request to change membership in the area agencies on aging if the change is to an area agency on aging that is contiguous to that county pursuant to office of services to the aging policies and procedures for area agency on aging designation. The office of services to the aging shall adjust allocations to area agencies on aging to account for any changes in county membership. The office of services to the aging shall ensure annually that county boards of commissioners are aware that county membership in area agencies on aging can be changed subject to office of services to the aging policies and procedures for area agency on aging designation. The legislature supports the office of services to the aging working with others to provide training to commissioners to better understand and advocate for aging issues. It is the intent of the legislature to prohibit area agencies on aging from providing direct services, other than access services, unless the agencies receive a waiver from the commission on services to the aging. The legislature's intent in this section is conditioned on compliance with federal and state laws, rules, and policies.

Sec. 1416. The legislature very strongly affirms its commitment to provide in-home services, resources, and assistance for the frail elderly who are not being served by the Medicaid home- and community-based services waiver program.

Sec. 1417. The department shall provide to the senate and house of representatives appropriations subcommittees on community health, senate and house fiscal agencies, and state budget director a report by March 30 of the current fiscal year that contains all of the following:

- (a) The total allocation of state resources made to each area agency on aging by individual program and administration.
- (b) Detail expenditure by each area agency on aging by individual program and administration including both state funded resources and locally funded resources.

#### **MICHIGAN FIRST HEALTHCARE PLAN**

Sec. 1501. (1) Funds appropriated in part 1 for the Michigan first healthcare plan are contingent upon approval of a waiver from the federal government.

(2) In addition to the funds appropriated in part 1 for the Michigan first healthcare plan, up to \$300,000,000.00 in federal funds shall be appropriated upon approval of a waiver from the federal government.

Sec. 1502. Upon approval of a waiver from the federal government for the Michigan first healthcare plan, the department shall provide the senate and house of representatives appropriations subcommittees on community health, the senate and house fiscal agencies, and the state budget director with a report detailing the process that will be utilized to determine which insurance entities will be selected for participation in the Michigan first healthcare plan. The department shall not award a single-source contract to a health plan through the Michigan first healthcare plan.

Sec. 1503. The department shall provide a copy of the federally approved Michigan first healthcare plan or similar proposal to the house of representatives and senate appropriations subcommittees on community health, the house and senate fiscal agencies, and the state budget director at least 60 days before implementing any portion of the Michigan first healthcare plan or other similar proposal.

#### **MEDICAL SERVICES**

Sec. 1601. The cost of remedial services incurred by residents of licensed adult foster care homes and licensed homes for the aged shall be used in determining financial eligibility for the medically needy. Remedial services include basic self-care and rehabilitation training for a resident.

Sec. 1602. Medical services shall be provided to elderly and disabled persons with incomes less than or equal to 100% of the official poverty level, pursuant to the state's option to elect such coverage set out at section 1902(a)(10)(A)(ii) and (m) of title XIX, 42 USC 1396a.

Sec. 1603. (1) The department may establish a program for persons to purchase medical coverage at a rate determined by the department.

(2) The department may receive and expend premiums for the buy-in of medical coverage in addition to the amounts appropriated in part 1.

(3) The premiums described in this section shall be classified as private funds.

Sec. 1605. (1) The protected income level for Medicaid coverage determined pursuant to section 106(1)(b)(iii) of the social welfare act, 1939 PA 280, MCL 400.106, shall be 100% of the related public assistance standard.

(2) The department shall notify the senate and house of representatives appropriations subcommittees on community health and the state budget director of any proposed revisions to the protected income level for Medicaid coverage related to the public assistance standard 90 days prior to implementation.

Sec. 1606. For the purpose of guardian and conservator charges, the department of community health may deduct up to \$60.00 per month as an allowable expense against a recipient's income when determining medical services eligibility and patient pay amounts.

Sec. 1607. (1) An applicant for Medicaid, whose qualifying condition is pregnancy, shall immediately be presumed to be eligible for Medicaid coverage unless the preponderance of evidence in her application indicates otherwise. The applicant who is qualified as described in this subsection shall be allowed to select or remain with the Medicaid participating obstetrician of her choice.

(2) An applicant qualified as described in subsection (1) shall be given a letter of authorization to receive Medicaid covered services related to her pregnancy. All qualifying applicants shall be entitled to receive all medically necessary obstetrical and prenatal care without preauthorization from a health plan. All claims submitted for payment for obstetrical and prenatal care shall be paid at the Medicaid fee-for-service rate in the event a contract does not exist between the Medicaid participating obstetrical or prenatal care provider and the managed care plan. The applicant shall receive a listing of Medicaid physicians and managed care plans in the immediate vicinity of the applicant's residence.

(3) In the event that an applicant, presumed to be eligible pursuant to subsection (1), is subsequently found to be ineligible, a Medicaid physician or managed care plan that has been providing pregnancy services to an applicant under this section is entitled to reimbursement for those services until such time as they are notified by the department that the applicant was found to be ineligible for Medicaid.

(4) If the preponderance of evidence in an application indicates that the applicant is not eligible for Medicaid, the department shall refer that applicant to the nearest public health clinic or similar entity as a potential source for receiving pregnancy-related services.

(5) The department shall develop an enrollment process for pregnant women covered under this section that facilitates the selection of a managed care plan at the time of application.

(6) Effective October 1, 2008, the department shall mandate enrollment of women, whose qualifying condition is pregnancy, into Medicaid managed care plans.

(7) The department shall encourage physicians to provide women, whose qualifying condition for Medicaid is pregnancy, with a referral to a Medicaid participating dentist at the first pregnancy-related appointment.

Sec. 1610. The department shall provide an administrative procedure for the review of cost report grievances by medical services providers with regard to reimbursement under the medical services program. Settlements of properly submitted cost reports shall be paid not later than 9 months from receipt of the final report.

Sec. 1611. (1) For care provided to medical services recipients with other third-party sources of payment, medical services reimbursement shall not exceed, in combination with such other resources, including Medicare, those amounts established for medical services-only patients. The medical services payment rate shall be accepted as payment in full. Other than an approved medical services copayment, no portion of a provider's charge shall be billed to the recipient or any person acting on behalf of the recipient. Nothing in this section shall be considered to affect the level of payment from a third-party source other than the medical services program. The department shall require a nonenrolled provider to accept medical services payments as payment in full.

(2) Notwithstanding subsection (1), medical services reimbursement for hospital services provided to dual Medicare/medical services recipients with Medicare part B coverage only shall equal, when combined with payments for Medicare and other third-party resources, if any, those amounts established for medical services-only patients, including capital payments.

Sec. 1620. (1) For fee-for-service recipients who do not reside in nursing homes, the pharmaceutical dispensing fee shall be \$2.50 or the pharmacy's usual or customary cash charge, whichever is less. For nursing home residents, the pharmaceutical dispensing fee shall be \$2.75 or the pharmacy's usual or customary cash charge, whichever is less.

(2) For fee-for-service recipients who do not reside in nursing homes, effective April 1 of the current fiscal year, the pharmaceutical dispensing fee shall be \$2.75 or the pharmacy's usual or customary cash charge, whichever is less. For nursing home residents, effective April 1 of the current fiscal year, the pharmaceutical dispensing fee shall be \$3.00 or the pharmacy's usual or customary cash charge, whichever is less.

(3) The department shall require a prescription copayment for Medicaid recipients of \$1.00 for a generic drug and \$3.00 for a brand-name drug, except as prohibited by federal or state law or regulation.

(4) It is the intent of the legislature that if the department realizes savings as a result of the implementation of average manufacturer's price for reimbursement of multiple source generic medication dispensing as imposed pursuant to the

federal deficit reduction act of 2005, Public Law 109-171, the savings shall be returned to pharmacies in the form of an increased dispensing fee for medications not to exceed \$2.00. The savings shall be calculated as the difference in state expenditure between the current methodology of payment, which is maximum allowable cost, and the proposed new reimbursement method of average manufacturer's price.

Sec. 1621. The department may implement prospective drug utilization review and disease management systems. The prospective drug utilization review, a pharmacist-approved medication therapy program, and disease management systems authorized by this section shall have physician oversight, shall focus on patient, physician, and pharmacist education, and shall be developed in consultation with the national pharmaceutical council, Michigan state medical society, Michigan osteopathic association, Michigan pharmacists association, Michigan health and hospital association, and Michigan nurses association.

Sec. 1623. (1) The department shall continue the Medicaid policy that allows for the dispensing of a 100-day supply for maintenance drugs.

(2) The department shall notify all HMOs, physicians, pharmacies, and other medical providers that are enrolled in the Medicaid program that Medicaid policy allows for the dispensing of a 100-day supply for maintenance drugs.

(3) The notice in subsection (2) shall also clarify that a pharmacy shall fill a prescription written for maintenance drugs in the quantity specified by the physician, but not more than the maximum allowed under Medicaid, unless subsequent consultation with the prescribing physician indicates otherwise.

Sec. 1625. The department shall continue its practice of placing all atypical antipsychotic medications on the Medicaid preferred drug list.

Sec. 1627. (1) The department shall use procedures and rebates amounts specified under section 1927 of title XIX, 42 USC 1396r-8, to secure quarterly rebates from pharmaceutical manufacturers for outpatient drugs dispensed to participants in the MICHild program, maternal outpatient medical services program, children's special health care services, and adult benefit waiver program.

(2) For products distributed by pharmaceutical manufacturers not providing quarterly rebates as listed in subsection (1), the department may require preauthorization.

Sec. 1629. The department shall utilize maximum allowable cost pricing for generic drugs that is based on wholesaler pricing to providers that is available from at least 2 wholesalers who deliver in the state of Michigan.

Sec. 1630. (1) Medicaid coverage for podiatric services, adult dental services, and chiropractic services shall continue at not less than the level in effect on October 1, 2002, except that reasonable utilization limitations may be adopted in order to prevent excess utilization. The department shall not impose utilization restrictions on chiropractic services unless a recipient has exceeded 18 office visits within 1 year.

(2) The department may implement the bulk purchase of hearing aids, impose limitations on binaural hearing aid benefits, and limit the replacement of hearing aids to once every 3 years.

Sec. 1631. (1) The department shall require copayments on dental, podiatric, chiropractic, vision, and hearing aid services provided to Medicaid recipients, except as prohibited by federal or state law or regulation.

(2) Except as otherwise prohibited by federal or state law or regulations, the department shall require Medicaid recipients to pay the following copayments:

- (a) Two dollars for a physician office visit.
- (b) Three dollars for a hospital emergency room visit.
- (c) Fifty dollars for the first day of an inpatient hospital stay.
- (d) One dollar for an outpatient hospital visit.

Sec. 1634. From the funds appropriated in part 1 for ambulance services, the department shall continue the 5% increase in payment rates for ambulance services implemented in fiscal year 2000-2001 and continue the ground mileage reimbursement rate per statute mile at \$4.25.

Sec. 1635. From the funds appropriated in part 1 for physician services and health plan services, the department shall continue the increase in Medicaid reimbursement rates for obstetrical services implemented in fiscal year 2005-2006.

Sec. 1636. From the funds appropriated in part 1 for physician services and health plan services, the department shall continue the increase in Medicaid reimbursement rates for physician well child procedure codes and primary care procedure codes implemented in fiscal year 2006-2007. The increased reimbursement rates in this section shall not exceed the comparable Medicare payment rate for the same services.

Sec. 1637. (1) All adult Medicaid recipients shall be offered the opportunity to sign a Medicaid personal responsibility agreement.

(2) The personal responsibility agreement shall include at minimum the following provisions:

- (a) That the recipient shall not smoke.
- (b) That the recipient shall attend all scheduled medical appointments.
- (c) That the recipient shall exercise regularly.
- (d) That if the recipient has children, those children shall be up to date on their immunizations.
- (e) That the recipient shall abstain from abusing controlled substances and narcotics.

Sec. 1641. An institutional provider that is required to submit a cost report under the medical services program shall submit cost reports completed in full within 5 months after the end of its fiscal year.

Sec. 1643. Of the funds appropriated in part 1 for graduate medical education in the hospital services and therapy line-item appropriation, not less than \$10,359,000.00 shall be allocated for the psychiatric residency training program that establishes and maintains collaborative relations with the schools of medicine at Michigan State University and Wayne State University if the necessary allowable Medicaid matching funds are provided by the universities.

Sec. 1647. From the funds appropriated in part 1 for medical services, the department shall allocate for graduate medical education not less than the level of rates and payments in effect on April 1, 2005.

Sec. 1648. The department shall maintain an automated toll-free telephone line and make available an online resource to enable medical providers to obtain enrollment and benefit information of Medicaid recipients. There shall be no charge to providers for the use of the toll-free telephone line or online resource.

Sec. 1649. From the funds appropriated in part 1 for medical services, the department shall continue breast and cervical cancer treatment coverage for women up to 250% of the federal poverty level, who are under age 65, and who are not otherwise covered by insurance. This coverage shall be provided to women who have been screened through the centers for disease control breast and cervical cancer early detection program, and are found to have breast or cervical cancer, pursuant to the breast and cervical cancer prevention and treatment act of 2000, Public Law 106-354.

Sec. 1650. (1) The department may require medical services recipients residing in counties offering managed care options to choose the particular managed care plan in which they wish to be enrolled. Persons not expressing a preference may be assigned to a managed care provider.

(2) Persons to be assigned a managed care provider shall be informed in writing of the criteria for exceptions to capitated managed care enrollment, their right to change HMOs for any reason within the initial 90 days of enrollment, the toll-free telephone number for problems and complaints, and information regarding grievance and appeals rights.

(3) The criteria for medical exceptions to HMO enrollment shall be based on submitted documentation that indicates a recipient has a serious medical condition, and is undergoing active treatment for that condition with a physician who does not participate in 1 of the HMOs. If the person meets the criteria established by this subsection, the department shall grant an exception to mandatory enrollment at least through the current prescribed course of treatment, subject to periodic review of continued eligibility.

Sec. 1651. (1) Medical services patients who are enrolled in HMOs have the choice to elect hospice services or other services for the terminally ill that are offered by the HMOs. If the patient elects hospice services, those services shall be provided in accordance with part 214 of the public health code, 1978 PA 368, MCL 333.21401 to 333.21420.

(2) The department shall not amend the medical services hospice manual in a manner that would allow hospice services to be provided without making available all comprehensive hospice services described in 42 CFR part 418.

Sec. 1652. Any new contracts with Medicaid health plans negotiated or signed, or both, during the current fiscal year shall include the following provisions regarding expansion of services by the Medicaid HMOs to counties not previously served by that Medicaid HMO:

(a) The Medicaid HMO shall not sell, transfer, or otherwise convey to any person all or any portion of the HMO's assets or business, whether in the form of equity, debt or otherwise, for a period of 3 years from the date the Medicaid HMO commences operations in a new service area.

(b) That any Medicaid HMOs that expand into a county with a population of at least 1,500,000 shall also expand its coverage to a county with a population of less than 100,000 which has 1 or fewer HMOs participating in the Medicaid program.

Sec. 1653. Implementation and contracting for managed care by the department through HMOs shall be subject to the following conditions:

(a) Continuity of care is assured by allowing enrollees to continue receiving required medically necessary services from their current providers for a period not to exceed 1 year if enrollees meet the managed care medical exception criteria.

(b) The department shall require contracted HMOs to submit data determined necessary for evaluation on a timely basis.

(c) Mandatory enrollment of Medicaid beneficiaries living in counties defined as rural by the federal government, which is any nonurban standard metropolitan statistical area, is allowed if there is only 1 HMO serving the Medicaid population, as long as each Medicaid beneficiary is assured of having a choice of at least 2 physicians by the HMO.

(d) Enrollment of recipients of children's special health care services in HMOs shall be voluntary during the fiscal year. Children's special health care services recipients shall be informed of the opportunity to enroll in HMOs.

(e) The department shall develop a case adjustment to its rate methodology that considers the costs of persons with HIV/AIDS, end stage renal disease, organ transplants, and other high-cost diseases or conditions and shall implement the case adjustment when it is proven to be actuarially and fiscally sound. Implementation of the case adjustment must be budget neutral.

(f) Prior to contracting with an HMO for managed care services that did not have a contract with the department before October 1, 2002, the department shall receive assurances from the office of financial and insurance regulation that the

HMO meets the net worth and financial solvency requirements contained in chapter 35 of the insurance code of 1956, 1956 PA 218, MCL 500.3501 to 500.3580.

Sec. 1654. Medicaid HMOs shall provide for reimbursement of HMO covered services delivered other than through the HMO's providers if medically necessary and approved by the HMO, immediately required, and that could not be reasonably obtained through the HMO's providers on a timely basis. Such services shall be considered approved if the HMO does not respond to a request for authorization within 24 hours of the request. Reimbursement shall not exceed the Medicaid fee-for-service payment for those services.

Sec. 1655. (1) The department may require a 12-month lock-in to the HMO selected by the recipient during the initial and subsequent open enrollment periods, but allow for good cause exceptions during the lock-in period.

(2) Medicaid recipients shall be allowed to change HMOs for any reason within the initial 90 days of enrollment.

Sec. 1656. (1) The department shall provide an expedited complaint review procedure for Medicaid eligible persons enrolled in HMOs for situations in which failure to receive any health care service would result in significant harm to the enrollee.

(2) The department shall provide for a toll-free telephone number for Medicaid recipients enrolled in managed care to assist with resolving problems and complaints. If warranted, the department shall immediately disenroll persons from managed care and approve fee-for-service coverage.

Sec. 1657. (1) Reimbursement for medical services to screen and stabilize a Medicaid recipient, including stabilization of a psychiatric crisis, in a hospital emergency room shall not be made contingent on obtaining prior authorization from the recipient's HMO. If the recipient is discharged from the emergency room, the hospital shall notify the recipient's HMO within 24 hours of the diagnosis and treatment received.

(2) If the treating hospital determines that the recipient will require further medical service or hospitalization beyond the point of stabilization, that hospital must receive authorization from the recipient's HMO prior to admitting the recipient.

(3) Subsections (1) and (2) shall not be construed as a requirement to alter an existing agreement between an HMO and their contracting hospitals nor as a requirement that an HMO must reimburse for services that are not considered to be medically necessary.

(4) The department shall provide a report by September 30 of the current fiscal year to the senate and house appropriations subcommittees on community health and senate and house fiscal agencies examining how payment policies in the current Medicaid program create financial incentives for health facilities to admit recipients from the emergency room.

Sec. 1658. (1) HMOs shall have contracts with hospitals within a reasonable distance from their enrollees. If a hospital does not contract with the HMO in its service area, that hospital shall enter into a hospital access agreement as specified in the MSA Bulletin Hospital 01-19.

(2) A hospital access agreement specified in subsection (1) shall be considered an affiliated provider contract pursuant to the requirements contained in chapter 35 of the insurance code of 1956, 1956 PA 218, MCL 500.3501 to 500.3580.

Sec. 1659. The following sections of this act are the only ones that shall apply to the following Medicaid managed care programs, including the comprehensive plan, MIChoice long-term care plan, and the mental health, substance abuse, and developmentally disabled services program: 401, 402, 404, 411, 414, 418, 424, 428, 456, 1607, 1650, 1651, 1652, 1653, 1654, 1655, 1656, 1657, 1658, 1660, 1661, 1662, 1666, 1699, 1711, 1752, 1783, 1787, and 1791.

Sec. 1660. (1) The department shall assure that all Medicaid children have timely access to EPSDT services as required by federal law. Medicaid HMOs shall provide EPSDT services to their child members in accordance with Medicaid EPSDT policy.

(2) The primary responsibility of assuring a child's hearing and vision screening is with the child's primary care provider. The primary care provider shall provide age-appropriate screening or arrange for these tests through referrals to local health departments. Local health departments shall provide preschool hearing and vision screening services and accept referrals for these tests from physicians or from Head Start programs in order to assure all preschool children have appropriate access to hearing and vision screening. Local health departments shall be reimbursed for the cost of providing these tests for Medicaid eligible children by the Medicaid program.

(3) The department shall prohibit HMOs from requiring prior authorization of their contracted providers for any EPSDT screening and diagnosis services.

(4) The department shall require HMOs to be responsible for well child visits as described in Medicaid policy. These responsibilities shall be specified in the information distributed by the HMOs to their members.

(5) The department shall provide, on an annual basis, budget-neutral incentives to Medicaid HMOs and local health departments to improve performance on measures related to the care of children.

Sec. 1661. (1) The department shall assure that all Medicaid eligible children and pregnant women have timely access to MSS/ISS services. Medicaid HMOs shall assure that maternal support service screening is available to their pregnant members and that those women found to meet the maternal support service high-risk criteria are offered maternal support services. Local health departments shall assure that maternal support service screening is available for Medicaid pregnant women not enrolled in an HMO and that those women found to meet the maternal support service high-risk criteria are offered maternal support services or are referred to a certified maternal support service provider.



(2) The department shall prohibit HMOs from requiring prior authorization of their contracted providers for any MSS/ISS screening referral, or for up to 3 MSS/ISS service visits.

(3) The department shall require HMOs to be responsible for maternal and infant support services as described in Medicaid policy. These responsibilities shall be specified in the information distributed by the HMOs to their members.

(4) The department shall assure the coordination of MSS/ISS services with the WIC program, state-supported substance abuse, smoking prevention, and violence prevention programs, the department of human services, and any other state or local program with a focus on preventing adverse birth outcomes and child abuse and neglect.

(5) The department shall provide, on an annual basis, budget-neutral incentives to Medicaid HMOs and local health departments to improve performance on measures related to the care of pregnant women.

Sec. 1662. (1) The department shall assure that an external quality review of each contracting HMO is performed that results in an analysis and evaluation of aggregated information on quality, timeliness, and access to health care services that the HMO or its contractors furnish to Medicaid beneficiaries.

(2) The department shall require Medicaid HMOs to provide EPSDT utilization data through the encounter data system, and health employer data and information set well child health measures in accordance with the National Committee on Quality Assurance prescribed methodology.

(3) The department shall provide a copy of the analysis of the Medicaid HMO annual audited health employer data and information set reports and the annual external quality review report to the senate and house of representatives appropriations subcommittees on community health, the senate and house fiscal agencies, and the state budget director, within 30 days of the department's receipt of the final reports from the contractors.

(4) The department shall work with the Michigan association of health plans and the Michigan association for local public health to improve service delivery and coordination in the MSS/ISS and EPSDT programs.

(5) The department shall assure that training and technical assistance are available for EPSDT and MSS/ISS for Medicaid health plans, local health departments, and MSS/ISS contractors.

Sec. 1666. To increase timely repayment of the maternity case rate to health plans and reduce the need to recover revenue from hospitals, the department shall implement system changes to assure that children who are born to mothers who are Medicaid eligible and enrolled in health plans are within 30 days after birth included in the Medicaid eligibility file and enrolled in the same health plan as the mother or any other health plan designated by the mother.

Sec. 1670. (1) The appropriation in part 1 for the MICHild program is to be used to provide comprehensive health care to all children under age 19 who reside in families with income at or below 200% of the federal poverty level, who are uninsured and have not had coverage by other comprehensive health insurance within 6 months of making application for MICHild benefits, and who are residents of this state. The department shall develop detailed eligibility criteria through the medical services administration public concurrence process, consistent with the provisions of this act. Health coverage for children in families between 150% and 200% of the federal poverty level shall be provided through a state-based private health care program.

(2) The department may provide up to 1 year of continuous eligibility to children eligible for the MICHild program unless the family fails to pay the monthly premium, a child reaches age 19, or the status of the children's family changes and its members no longer meet the eligibility criteria as specified in the federally approved MICHild state plan.

(3) Children whose category of eligibility changes between the Medicaid and MICHild programs shall be assured of keeping their current health care providers through the current prescribed course of treatment for up to 1 year, subject to periodic reviews by the department if the beneficiary has a serious medical condition and is undergoing active treatment for that condition.

(4) To be eligible for the MICHild program, a child must be residing in a family with an adjusted gross income of less than or equal to 200% of the federal poverty level. The department's verification policy shall be used to determine eligibility.

(5) The department shall enter into a contract to obtain MICHild services from any HMO, dental care corporation, or any other entity that offers to provide the managed health care benefits for MICHild services at the MICHild capitated rate. As used in this subsection:

(a) "Dental care corporation", "health care corporation", "insurer", and "prudent purchaser agreement" mean those terms as defined in section 2 of the prudent purchaser act, 1984 PA 233, MCL 550.52.

(b) "Entity" means a health care corporation or insurer operating in accordance with a prudent purchaser agreement.

(6) The department may enter into contracts to obtain certain MICHild services from community mental health service programs.

(7) The department may make payments on behalf of children enrolled in the MICHild program from the line-item appropriation associated with the program as described in the MICHild state plan approved by the United States department of health and human services, or from other medical services.

(8) The department shall assure that an external quality review of each MICHild contractor, as described in subsection (5), is performed, which analyzes and evaluates the aggregated information on quality, timeliness, and access to health care services that the contractor furnished to MICHild beneficiaries.

Sec. 1671. From the funds appropriated in part 1, the department shall continue a comprehensive approach to the marketing and outreach of the MICHild program. The marketing and outreach required under this section shall be coordinated with current outreach, information dissemination, and marketing efforts and activities conducted by the department.

Sec. 1673. The department may establish premiums for MICHild eligible persons in families with income above 150% of the federal poverty level. The monthly premiums shall not be less than \$10.00 or exceed \$15.00 for a family.

Sec. 1677. The MICHild program shall provide all benefits available under the state employee insurance plan that are delivered through contracted providers and consistent with federal law, including, but not limited to, the following medically necessary services:

(a) Inpatient mental health services, other than substance abuse treatment services, including services furnished in a state-operated mental hospital and residential or other 24-hour therapeutically planned structured services.

(b) Outpatient mental health services, other than substance abuse services, including services furnished in a state-operated mental hospital and community-based services.

(c) Durable medical equipment and prosthetic and orthotic devices.

(d) Dental services as outlined in the approved MICHild state plan.

(e) Substance abuse treatment services that may include inpatient, outpatient, and residential substance abuse treatment services.

(f) Care management services for mental health diagnoses.

(g) Physical therapy, occupational therapy, and services for individuals with speech, hearing, and language disorders.

(h) Emergency ambulance services.

Sec. 1680. Payment increases for enhanced wages and new or enhanced employee benefits provided in previous years through the Medicaid nursing home wage pass-through program shall be continued.

Sec. 1681. From the funds appropriated in part 1 for home- and community-based services, the department and local waiver agents shall encourage the use of family members, friends, and neighbors of home- and community-based services participants, where appropriate, to provide homemaker services, meal preparation, transportation, chore services, and other nonmedical covered services to participants in the Medicaid home- and community-based services program. This section shall not be construed as allowing for the payment of family members, friends, or neighbors for these services unless explicitly provided for in federal or state law.

Sec. 1682. (1) The department shall implement enforcement actions as specified in the nursing facility enforcement provisions of section 1919 of title XIX, 42 USC 1396r.

(2) The department is authorized to receive and spend penalty money received as the result of noncompliance with medical services certification regulations. Penalty money, characterized as private funds, received by the department shall increase authorizations and allotments in the long-term care accounts.

(3) The department is authorized to provide civil monetary penalty funds to the disability network of Michigan to be distributed to the 15 centers for independent living for the purpose of assisting individuals with disabilities who reside in nursing homes to return to their own homes.

(4) The department is authorized to use civil monetary penalty funds to conduct a survey evaluating consumer satisfaction and the quality of care at nursing homes. Factors can include, but are not limited to, the level of satisfaction of nursing home residents, their families, and employees. The department may use an independent contractor to conduct the survey.

(5) Any unexpended penalty money, at the end of the year, shall carry forward to the following year.

Sec. 1683. The department shall promote activities that preserve the dignity and rights of terminally ill and chronically ill individuals. Priority shall be given to programs, such as hospice, that focus on individual dignity and quality of care provided persons with terminal illness and programs serving persons with chronic illnesses that reduce the rate of suicide through the advancement of the knowledge and use of improved, appropriate pain management for these persons; and initiatives that train health care practitioners and faculty in managing pain, providing palliative care, and suicide prevention.

Sec. 1684. (1) Of the funds appropriated in part 1 for the Medicaid home- and community-based services waiver program, the payment rate allocated for administrative expenses for fiscal year 2008-2009 shall continue at the rate implemented in fiscal year 2005-2006 after the \$2.00 per person per day mandated reduction.

(2) The savings realized from continuing the reduced administrative rate shall be reallocated to increase enrollment in the waiver program and to provide direct services to eligible program participants.

Sec. 1685. All nursing home rates, class I and class III, must have their respective fiscal year rate set 30 days prior to the beginning of their rate year. Rates may take into account the most recent cost report prepared and certified by the preparer, provider corporate owner or representative as being true and accurate, and filed timely, within 5 months of the fiscal year end in accordance with Medicaid policy. If the audited version of the last report is available, it shall be used. Any rate factors based on the filed cost report may be retroactively adjusted upon completion of the audit of that cost report.

Sec. 1686. (1) The department shall submit a report by April 30 of the current fiscal year to the house of representatives and senate appropriations subcommittees on community health and the house and senate fiscal agencies on the progress

of 4 Medicaid long-term care single point of entry services pilot projects. The department shall also submit a final plan to the house of representatives and senate subcommittees on community health and the house and senate fiscal agencies 60 days prior to any expansion of the program.

(2) In addition to the report required under subsection (1), the department shall report all of the following to the house of representatives and senate appropriations subcommittees on community health and the house of representatives and senate fiscal agencies by September 30 of the current fiscal year:

- (a) The total cost of the single point of entry program.
- (b) The total cost of each designated single point of entry.
- (c) The total amount of Medicaid dollars saved because of the program.
- (d) The total number of emergent single point of entry cases handled and the average length of time for placement in long-term care for those cases.
- (e) The total number of single point of entry cases involving transfer from hospital settings to long-term care settings and the average length of time for placement of those cases in long-term care settings.

(3) As used in this section, "single point of entry" means a system that enables consumers to access Medicaid long-term care services and supports through 1 agency or organization and that promotes consumer education and choice of long-term care options.

Sec. 1688. The department shall not impose a limit on per unit reimbursements to service providers that provide personal care or other services under the Medicaid home- and community-based services waiver program for the elderly and disabled. The department's per day per client reimbursement cap calculated in the aggregate for all services provided under the Medicaid home- and community-based services waiver is not a violation of this section.

Sec. 1689. (1) Priority in enrolling additional persons in the Medicaid home- and community-based services waiver program shall be given to those who are currently residing in nursing homes or who are eligible to be admitted to a nursing home if they are not provided home- and community-based services. The department shall use screening and assessment procedures to assure that no additional Medicaid eligible persons are admitted to nursing homes who would be more appropriately served by the Medicaid home- and community-based services waiver program.

(2) Within 60 days of the end of each fiscal quarter, the department shall provide a report to the senate and house appropriations subcommittees on community health and the senate and house fiscal agencies that details existing and future allocations for the home- and community-based services waiver program by regions as well as the associated expenditures. The report shall include information regarding the net cost savings from moving individuals from a nursing home to the home- and community-based services waiver program, the number of individuals transitioned from nursing homes to the home- and community-based services waiver program, the number of individuals on waiting lists by region for the program, and the amount of funds transferred during the fiscal quarter. The report shall also include the number of Medicaid individuals served and the number of days of care for the home- and community-based services waiver program and in nursing homes.

(3) The department shall develop a system to collect and analyze information regarding individuals on the home- and community-based services waiver waiting list to identify the community supports they receive, including, but not limited to, adult home help, food stamps, and housing assistance services and to determine the extent to which these community supports help individuals remain in their home and avoid entry into a nursing home. The department shall provide a progress report on implementation to the senate and house appropriations subcommittees on community health and the senate and house fiscal agencies by June 1 of the current fiscal year.

Sec. 1690. (1) The department shall submit a report to the house and senate appropriations subcommittees on community health, the house and senate fiscal agencies, and the state budget director by April 1 of the current fiscal year, to include all data collected on the quality assurance indicators in the preceding fiscal year for the home- and community-based services waiver program, as well as quality improvement plans and data collected on critical incidents in the waiver program and their resolutions.

(2) The department shall submit a report to the house and senate appropriations subcommittees on community health, the house and senate fiscal agencies, and the state budget director by April 1 of the current fiscal year, to include all data collected on the quality assurance indicators in the preceding fiscal year for the adult home help program, as well as quality improvement plans and data collected on critical incidents in the adult home help program and their resolutions.

Sec. 1691. The funding increase provided in fiscal year 2006-2007 for the adult home help program shall be passed through to adult home help workers subject to the following conditions:

(a) Adult home help workers providing care under the adult home help program shall receive a wage of at least \$7.50 per hour in all counties, effective April 1, 2008.

(b) The department, in conjunction with the department of human services, shall revise any policies, rules, procedures, or regulations that may be an administrative barrier to the implementation of the wage adjustments described in this section.

Sec. 1692. (1) The department is authorized to pursue reimbursement for eligible services provided in Michigan schools from the federal Medicaid program. The department and the state budget director are authorized to negotiate and enter into agreements, together with the department of education, with local and intermediate school districts regarding

the sharing of federal Medicaid services funds received for these services. The department is authorized to receive and disburse funds to participating school districts pursuant to such agreements and state and federal law.

(2) From the funds appropriated in part 1 for medical services school services payments, the department is authorized to do all of the following:

(a) Finance activities within the medical services administration related to this project.

(b) Reimburse participating school districts pursuant to the fund-sharing ratios negotiated in the state-local agreements authorized in subsection (1).

(c) Offset general fund costs associated with the medical services program.

Sec. 1693. The special Medicaid reimbursement appropriation in part 1 may be increased if the department submits a medical services state plan amendment pertaining to this line item at a level higher than the appropriation. The department is authorized to appropriately adjust financing sources in accordance with the increased appropriation.

Sec. 1694. The department shall distribute \$695,000.00 to children's hospitals that have a high indigent care volume. The amount to be distributed to any given hospital shall be based on a formula determined by the department of community health.

Sec. 1695. (1) The department shall evaluate the impact of implementing a case mix reimbursement system for nursing facilities. The department shall consult with representatives from the department, the health care association of Michigan, the Michigan county medical care facilities council, and the Michigan association of homes and services for the aging.

(2) The department shall provide a progress report to the senate and house appropriations subcommittees on community health and to the senate and house fiscal agencies by August 1 of the current fiscal year.

Sec. 1697. (1) As may be allowed by federal law or regulation, the department may use funds provided by a local or intermediate school district, which have been obtained from a qualifying health system, as the state match required for receiving federal Medicaid or children health insurance program funds. Any such funds received shall be used only to support new school-based or school-linked health services.

(2) A qualifying health system is defined as any health care entity licensed to provide health care services in the state of Michigan, that has entered into a contractual relationship with a local or intermediate school district to provide or manage school-based or school-linked health services.

Sec. 1699. The department may make separate payments directly to qualifying hospitals serving a disproportionate share of indigent patients in the amount of \$50,000,000.00, and to hospitals providing graduate medical education training programs. If direct payment for GME and DSH is made to qualifying hospitals for services to Medicaid clients, hospitals will not include GME costs or DSH payments in their contracts with HMOs.

Sec. 1710. Any proposed changes by the department to the MIChoice home- and community-based services waiver program screening process shall be provided to the members of the house and senate appropriations subcommittees on community health 30 days prior to implementation of the proposed changes.

Sec. 1711. (1) The department shall maintain the 2-tier reimbursement methodology for Medicaid emergency physicians professional services that was in effect on September 30, 2002, subject to the following conditions:

(a) Payments by case and in the aggregate shall not exceed 70% of Medicare payment rates.

(b) Total expenditures for these services shall not exceed the level of total payments made during fiscal year 2001-2002, after adjusting for Medicare copayments and deductibles and for changes in utilization.

(2) To ensure that total expenditures stay within the spending constraints of subsection (1)(b), the department shall develop a utilization adjustor for the basic 2-tier payment methodology. The adjustor shall be based on a good faith estimate by the department as to what the expected utilization of emergency room services will be during fiscal year 2008-2009, given changes in the number and category of Medicaid recipients. If expenditure and utilization data indicate that the amount and/or type of emergency physician professional services are exceeding the department's estimate, the utilization adjustor shall be applied to the 2-tier reimbursement methodology in such a manner as to reduce aggregate expenditures to the fiscal year 2001-2002 adjusted expenditure target.

Sec. 1712. (1) Subject to the availability of funds, the department shall implement a rural health initiative. Available funds shall first be allocated as an outpatient adjustor payment to be paid directly to hospitals in rural counties in proportion to each hospital's Medicaid and indigent patient population. Additional funds, if available, shall be allocated for defibrillator grants, EMT training and support, or other similar programs.

(2) Except as otherwise specified in this section, "rural" means a county, city, village, or township with a population of not more than 30,000, including those entities if located within a metropolitan statistical area.

Sec. 1716. The department shall seek to maintain a constant enrollment level within the Medicaid adult benefits waiver program throughout fiscal year 2008-2009.

Sec. 1717. (1) The department shall create 2 pools for distribution of disproportionate share hospital funding. The first pool, totaling \$45,000,000.00, shall be distributed using the distribution methodology used in fiscal year 2003-2004. The second pool, totaling \$5,000,000.00, shall be distributed to unaffiliated hospitals and hospital systems that received less than \$900,000.00 in disproportionate share hospital payments in fiscal year 2007-2008 based on a formula that is weighted proportional to the product of each eligible system's Medicaid revenue and each eligible system's Medicaid utilization, except that no payment of less than \$1,000.00 shall be made.

(2) By September 30 of the current fiscal year, the department shall report to the senate and house appropriations subcommittees on community health and the senate and house fiscal agencies on the new distribution of funding to each eligible hospital from the 2 pools.

Sec. 1718. The department shall provide each Medicaid adult home help beneficiary or applicant with the right to a fair hearing when the department or its agent reduces, suspends, terminates, or denies adult home help services. If the department takes action to reduce, suspend, terminate, or deny adult home help services, it shall provide the beneficiary or applicant with a written notice that states what action the department proposes to take, the reasons for the intended action, the specific regulations that support the action, and an explanation of the beneficiary's or applicant's right to an evidentiary hearing and the circumstances under which those services will be continued if a hearing is requested.

Sec. 1720. The department shall continue its Medicare recovery program.

Sec. 1721. The department shall conduct a review of Medicaid eligibility pertaining to funds prepaid to a nursing home or other health care facility that are subsequently returned to an individual who becomes Medicaid eligible and shall report its findings to the members of the house and senate appropriations subcommittees on community health and the house and senate fiscal agencies not later than May 15 of the current fiscal year. Included in its report shall be recommendations for policy and procedure changes regarding whether any funds prepaid to a nursing home or other health care facility that are subsequently returned to an individual, after the date of Medicaid eligibility and patient pay amount determination, shall be considered as a countable asset and recommendations for a mechanism for departmental monitoring of those funds.

Sec. 1722. (1) From the funds appropriated in part 1 for special Medicaid reimbursement payments, the department is authorized to make a disproportionate share payment of \$33,167,700.00 for health services provided by Hutzel Hospital.

(2) The funding authorized under subsection (1) shall only be expended if the necessary Medicaid matching funds are provided by, or on behalf of, the hospital as allowable state match.

Sec. 1724. The department shall allow licensed pharmacies to purchase injectable drugs for the treatment of respiratory syncytial virus for shipment to physicians' offices to be administered to specific patients. If the affected patients are Medicaid eligible, the department shall reimburse pharmacies for the dispensing of the injectable drugs and reimburse physicians for the administration of the injectable drugs.

Sec. 1725. The department shall continue to work with the department of human services and the department of state police to reduce Medicaid eligibility errors related to basic eligibility requirements, residency issues, felony status issues, and income requirements.

Sec. 1728. The department shall make available to qualifying Medicaid recipients, not based on Medicare guidelines, freestanding electrical lifting and transferring devices.

Sec. 1731. The department shall continue an asset test to determine Medicaid eligibility for individuals who are parents, caretaker relatives, or individuals between the ages of 18 and 21 and who are not required to be covered under federal Medicaid requirements.

Sec. 1732. The department shall assure that, if proposed modifications to the quality assurance assessment program for nursing homes are not implemented, the projected general fund/general purpose savings shall not be achieved through reductions in nursing home reimbursement rates.

Sec. 1733. (1) The department shall seek additional federal funds to permit the state to provide financial support for electronic prescribing and other health information technology initiatives.

(2) The department shall develop a 3-year strategic plan for the implementation of electronic prescribing for the Medicaid program.

Sec. 1734. The department shall seek federal money for demonstration programs that will permit this state to provide financial incentives for positive health behavior practiced by Medicaid recipients, including, but not limited to, consumer-driven strategies that enable Medicaid recipients to choose coverage that meets their individual needs and that authorize monetary or other rewards for demonstrating positive health behavior changes.

Sec. 1739. The department shall continue to establish medical outcome targets for the 10 most prevalent and costly ailments affecting Medicaid recipients. The department may use indicators that recipients are successfully managing chronic disease, measures of recipient compliance with treatment plans, and studies of the proportion of Medicaid providers who follow established best practices in treating chronic disease as possible medical outcome target measures. The department shall make bonus payments, independent of HMO rate adjustments utilized in fiscal year 2005-2006, available to Medicaid HMOs that meet these outcome targets.

Sec. 1740. From the funds appropriated in part 1 for health plan services, the department shall assure that all GME funds continue to be promptly distributed to qualifying hospitals using the methodology developed in consultation with the graduate medical education advisory group during fiscal year 2006-2007.

Sec. 1741. The department shall continue to provide nursing homes the opportunity to receive interim payments upon their request. The department shall make efforts to ensure that the interim payments are as similar to expected cost-settled payments as possible.

Sec. 1742. The department shall allow the retention of \$1,000,000.00 in special Medicaid reimbursement funding by any public hospital that meets each of the following criteria:

- (a) The hospital participates in the intergovernmental transfers.
- (b) The hospital is not affiliated with a university.
- (c) The hospital provides surgical services.
- (d) The hospital has at least 10,000 Medicaid bed days.

Sec. 1752. The department shall provide a Medicaid health plan with any information that may assist the Medicaid health plan in determining whether another party may be responsible, in whole or in part, for the payment of health benefits.

Sec. 1753. Upon passage of legislation, the department shall collect from auto insurers in this state on a monthly basis information necessary to enable the department to determine whether an individual who is receiving payments of medical expenses from the auto insurer is also a Medicaid recipient. For each individual that the department identifies under this section, the department shall submit a claim for payment to the auto insurer if a Medicaid payment has been made on behalf of the Medicaid recipient. The department shall consult with auto insurers in this state to establish a system by which information and claims shall be processed.

Sec. 1756. The department shall establish and implement a specialized case and care management program to serve the most costly Medicaid beneficiaries who are noncompliant with medical management, including persons with chronic diseases and mental health diagnoses, high prescription drug utilizers, members demonstrating noncompliance with previous medical management, and neonates. The case and care management program shall, at a minimum, provide a performance payment incentive for physicians who manage the recipient's care and health costs in the most effective way. The department may also develop additional contractual arrangements with 1 or more Medicaid HMOs for the provision of specialized case management services. Contracts with Medicaid HMOs may include provisions requiring collection of data related to Medicaid recipient compliance. Measures of patient compliance may include the proportion of clients who fill their prescriptions, the rate of clients who do not show for scheduled medical appointments, and the proportion of clients who use their medication.

Sec. 1757. The department shall direct the department of human services to obtain proof from all Medicaid recipients that they are legal United States citizens or otherwise legally residing in this country and that they are residents of this state before approving Medicaid eligibility.

Sec. 1759. The department shall implement the following policy changes included in the federal deficit reduction act of 2005, Public Law 109-171:

- (a) Lengthening the look-back policy for asset transfers from 3 to 5 years.
- (b) Changing the penalty period to begin the day an individual applies for Medicaid.
- (c) Individuals with more than \$500,000.00 in home equity do not qualify for Medicaid.
- (d) Utilize the Medicaid false claim act, 1977 PA 72, MCL 400.601 to 400.613, to collect an enhanced state share of damages collected from entities that have been successfully prosecuted for filing a fraudulent Medicaid claim.

Sec. 1761. (1) The department shall distribute all funds recovered by the medical services administration from prior and future Medicaid access to care initiative payments exceeding the hospital upper payment limit for inpatient and outpatient services to a hospital that meets any of the following characteristics:

(a) Is located in a rural county as determined by the most recent United States census or is located in a city or a village or township with a population of not more than 12,000 in a county with a population with not more than 70,000 as of the official federal 2000 decennial census.

(b) Is a Medicare sole community hospital.

(c) Is a Medicare dependent hospital and rural referral center hospital.

(2) The distribution under subsection (1) shall be based upon each hospital's Medicaid fee-for-service and HMO payments as developed in consultation with rural hospitals and the Michigan health and hospital association.

Sec. 1764. The department shall annually certify rates paid to Medicaid health plans as being actuarially sound in accordance with federal requirements and shall provide a copy of the rate certification and approval immediately to the house of representatives and senate appropriations subcommittees on community health and the house and senate fiscal agencies.

Sec. 1767. The department shall study and evaluate the impact of the change in the way in which the Medicaid program pays pharmacists for prescriptions from average wholesale price to average manufacturer price as required by the federal deficit reduction act of 2005, Public Law 109-171. Upon release of the data by the centers for Medicare and Medicaid services, the department shall submit a report of its study to the senate and house of representatives appropriations subcommittees on community health and the senate and house fiscal agencies. If the department finds that there is a negative impact on the pharmacists, the department shall reexamine the current pharmaceutical dispensing fee structure established under section 1620 and include in the report recommendations and proposals to counter the negative impact of that federal legislation.

Sec. 1770. In conjunction with the consultation requirements of the social welfare act, 1939 PA 280, MCL 400.1 to 400.119b, and except as otherwise provided in this section, the department shall attempt to make the effective date for a

proposed Medicaid policy bulletin or adjustment to the Medicaid provider manual on October 1, January 1, April 1, or July 1 after the end of the consultation period. The department may provide an effective date for a proposed Medicaid policy bulletin or adjustment to the Medicaid provider manual other than provided for in this section if necessary to be in compliance with federal or state law, regulations, or rules or with an executive order of the governor.

Sec. 1772. From the funds appropriated in part 1, the department shall continue a program, the primary goal of which is to enroll all children in foster care in Michigan in a Medicaid health maintenance organization.

Sec. 1773. (1) The department shall establish and implement a bid process to identify a single private contractor to provide Medicaid covered nonemergency transportation services in each county with a population over 750,000 individuals.

(2) The department shall reimburse mileage for nonemergency transportation that encourages contractors to participate.

Sec. 1774. The department shall provide the senate and house appropriations subcommittees on community health and the senate and house fiscal agencies by March 1 of the current fiscal year a report that details all of the following:

(a) Expenditure of money follows the person funds to date.

(b) Estimated general fund savings generated through use of money follows the person.

(c) Total number of individuals receiving services through the money follows the person grant.

Sec. 1775. (1) The department shall study the feasibility of using managed care to deliver Medicaid long-term care services. The study shall focus upon the following:

(a) If there is a sufficient number of organizations interested in providing these services.

(b) The extent of services provided through Medicaid managed long-term care.

(c) Estimated changes in Medicaid long-term care expenditure associated with implementing managed care for these services.

(2) The department shall report the results of this study to the senate and house appropriations subcommittees on community health and the senate and house fiscal agencies by June 1 of the current fiscal year.

(3) The department shall also provide a progress report on ongoing efforts to implement long-term managed care pilot programs to the senate and house appropriations subcommittees on community health and the senate and house fiscal agencies by June 1 of the current fiscal year.

Sec. 1776. If the department continues to utilize the Medicare outpatient prospective payment system methodology to reimburse hospitals for Medicaid clients seen in the outpatient setting including the emergency room, then the Medicaid reduction factor utilized by the department to compute the amount of payment made by Medicaid health plans to hospitals must be revenue neutral and actuarially sound.

Sec. 1777. From the funds appropriated in part 1 for long-term care services, the department shall permit, in accordance with applicable federal and state law, nursing homes to use dining assistants to feed eligible residents if legislation to permit the use of dining assistants is enacted into law. The department shall not be responsible for costs associated with training dining assistants.

Sec. 1780. If congressional action results in an increase in Michigan's federal medical assistance percentage in fiscal year 2008-2009, it is the intent of the legislature that a portion of this new funding be used to augment physician primary care codes fee screens and hospital neonatal and pediatric intensive care unit payments.

Sec. 1781. The department may conduct a pilot project to demonstrate improvements in the efficiency and effectiveness of the plan first program, long-term care programs, and other programs as identified by the department. In conducting the pilot project, the department shall consult with other affected programs and agencies. In conducting the pilot, the department or its designee shall have direct access to the department of human services eligibility, budget, and registration systems for purposes of initial processing, including taking applications, assisting applicants in completing the application, providing information and referrals, obtaining required documentation to complete processing of the application, and assuring the information contained on the application form is complete. To the extent practical and desirable, trusted third-party data sources may be accessed to verify income and asset information during the financial eligibility determination process. The department shall issue a report to the legislature summarizing the results of the pilot project and recommendations for the future.

Sec. 1782. The department shall request a waiver from the federal government allowing coverage for dental root planing and scaling in a limited number of counties in the state.

Sec. 1783. Effective October 1, 2008, the department shall permit the enrollment of individuals dually eligible for Medicare and Medicaid into Medicaid health plans if those health plans also maintain a Medicare advantage special needs plan certified by the centers for Medicare and Medicaid services.

Sec. 1785. (1) The department shall convene a workgroup to develop and maintain a list of emergency department diagnosis codes to be used to determine payment to hospital facilities for emergency department services provided to Medicaid recipients at a defined triage or stabilization rate.

(2) The reimbursement rate for triage or stabilization shall be equal to the triage rate already in place prior to the implementation of the outpatient prospective payment system.

(3) The workgroup shall include representatives from the department, the Medicaid health plans, and Michigan hospitals that participate in the Medicaid program.

(4) If consensus is reached on a budget-neutral proposal, the department shall implement this payment mechanism for emergency department services in the outpatient prospective payment system by January 1, 2009.

Sec. 1786. (1) For services where the actual length of stay is less than the published low-day threshold, reimbursement for inpatient admissions shall be the actual charge multiplied by the individual hospital's cost to charge ratio net of indirect medical education, not to exceed the full diagnosis related group payment rate.

(2) The reimbursement changes specified in subsection (1) shall not be implemented unless the changes are budget-neutral.

(3) The department shall define a low-day threshold of 1 as an inpatient stay of less than 24 hours.

Sec. 1787. The department shall work with the department of human services to obtain the telephone number of Medicaid beneficiaries and shall provide each Medicaid health plan with the telephone number of that health plan's enrollees on a monthly basis.

Sec. 1789. The department shall study whether the current nursing home occupancy ceiling is adequate and shall recommend whether to retain the ceiling at 85% or to lower it. The department shall report its findings and recommendations to the state budget director, senate and house appropriations subcommittees on community health, and senate and house fiscal agencies by April 1, 2009.

Sec. 1791. (1) From the money appropriated in part 1 for physician services and health plan services, \$5,285,700.00, of which \$2,100,000.00 is general fund/general purpose money, shall be allocated to increase Medicaid reimbursement rates for primary care and well child visit procedure codes. The increased reimbursement rates in this section shall be implemented October 1, 2008 and shall not exceed the comparable Medicare payment rate for the same services.

(2) The money allocated under subsection (1) shall be distributed as a fee for service rate increase for primary care procedure codes and as an adjustment paid exclusively to Medicaid managed care organizations for well child visit procedure codes.

(3) By October 1, 2008, the department shall provide a report to the house and senate appropriations subcommittees on community health and the house and senate fiscal agencies that identifies the specific procedure codes affected by this section and the amount and percentage increase provided for each procedure code.

Sec. 1792. The department shall meet with the Michigan state medical society and the Michigan osteopathic association to discuss the possible structure of a physician quality assurance assessment program.

Sec. 1793. The department shall consider the development of a pilot project that focuses on the prevention of preventable hospitalizations from nursing homes.

Sec. 1794. From the funds appropriated in part 1 for hospital services and therapy, up to \$100.00 may be allocated for a program to provide a per-person per-day reimbursement for a hospital located in a city with a population over 500,000.

Sec. 1796. The department shall direct the health information technology commission to examine strategies that promote the ability to share medical records. The department shall report the commission's findings by July 1, 2009.

Sec. 1802. The department may spend up to \$100,000.00 on a pilot program targeting Medicaid recipients with certain high-cost or complex health conditions. This pilot shall provide financial incentives to primary care physicians to handle disease management responsibilities for these Medicaid recipients.

Sec. 1804. The department, in cooperation with the department of human services, shall work with the federal government's public assistance reporting information system to identify Medicaid recipients who are veterans who may be eligible for federal veterans health care benefits or other benefits.

Sec. 1805. From the funds appropriated in part 1 for personal care services, beginning October 1, 2008, the department shall increase the monthly Medicaid personal care supplement paid to adult foster care facilities and homes for the aged that provide personal care services to Medicaid beneficiaries by \$8.00.

Sec. 1806. From the funds appropriated in part 1 for the county indigent care and third share plans, up to \$100.00 may be allocated for the expansion of county health plans.

Sec. 1807. (1) The department may convene a workgroup to evaluate and report on the feasibility of establishing a Medicaid payment mechanism for the reimbursement of mental health services by primary care physicians.

(2) The department may report the findings of this workgroup to the house and senate appropriations subcommittees on community health and the house and senate fiscal agencies by April 1, 2009.

Sec. 1808. If legislation is enacted into law, the department shall implement an ambulance quality assurance assessment program. A portion of the assessment shall be retained by the state.

Sec. 1809. The department is authorized to spend and distribute quality assurance assessment funds as appropriated in this act. The department is authorized to retain funds from the hospital quality assurance assessment program and the long-term care quality assurance assessment program as follows:

(a) Hospital quality assurance assessment program retainer of \$117,500,000.00.

(b) Long-term care quality assurance assessment program retainer of \$53,893,700.00.

Third: That the Senate and House agree to the title of the bill to read as follows:

A bill to make appropriations for the department of community health and certain state purposes related to mental health, public health, and medical services for the fiscal year ending September 30, 2009; to provide for the expenditure



of those appropriations; to create funds; to require and provide for reports; to prescribe the powers and duties of certain local and state agencies and departments; and to provide for disposition of fees and other income received by the various state agencies.

Roger Kahn  
John Pappageorge  
Deborah Cherry  
Conferees for the Senate

Gary McDowell  
George Cushingberry, Jr.  
Bruce Caswell  
Conferees for the House

Pending the order that, under joint rule 9, the conference report be laid over one day,  
Senator Cropsey moved that the rule be suspended.

The motion prevailed, a majority of the members serving voting therefor.

The question being on the adoption of the conference report,

The first conference report was adopted, a majority of the members serving voting therefor, as follows:

**Roll Call No. 511**

**Yeas—37**

Allen	Clark-Coleman	Jacobs	Prusi
Anderson	Clarke	Jansen	Richardville
Barcia	Cropsey	Jelinek	Sanborn
Basham	Garcia	Kahn	Schauer
Birkholz	George	Kuipers	Scott
Bishop	Gilbert	McManus	Stamas
Brater	Gleason	Olshove	Switalski
Brown	Hardiman	Pappageorge	Thomas
Cassis	Hunter	Patterson	Van Woerkom
Cherry			

**Nays—0**

**Excused—1**

Whitmer

**Not Voting—0**

In The Chair: Richardville

The question being on concurring in the committee recommendation to give the bill immediate effect,  
The recommendation was concurred in, 2/3 of the members serving voting therefor.

Senator Kahn asked and was granted unanimous consent to make a statement and moved that the statement be printed in the Journal.

The motion prevailed.

Senator Kahn's statement is as follows:

This budget represents \$12.5 billion worth of expenditures of which \$3.1 billion is General Fund monies. Michigan has had a tough century and a lot of dollar shortfalls and this year being no exception. It is also no exception that the

Department of Community Health budget has had to be cut, so the provision of services to our most vulnerable citizens, while at the same time, recognizing our fiscal constraints, has been the balancing act in this budget as in many others.

Within those confines, we have been able to preserve actuarially-sound rates for our community of mental health and for our HMOs. We have found the funds to avoid making cuts in the Healthy Michigan Fund and eligibility groups; and at the same time, came up with a few dollars for some new programs and for recognition of needy workers in the state of Michigan. In so doing, we have a 1 percent wage increase for community mental health direct care workers. We have found monies to support a free medical clinic in Bay County. We found dollars to deal with sexually-transmitted diseases and for a traumatic brain injury hospital project. We found a few dollars for school-based health clinics and for physicians who for years have actually paid for the privilege for seeing Medicaid patients as they are reimbursed below cost and will be receiving a small increase which we hope will encourage them to continue to participate in Medicaid and approved access to care.

Those findings were achieved in a bipartisan fashion with the help of my vice chairs, Senator Pappageorge and Senator Cherry, both of whom I thank along with Senate Fiscal and my staff Stephanie Shooks. I urge the passage of this bill, which was reported unanimously from the conference committee.

By unanimous consent the Senate returned to the order of  
**Motions and Communications**

Senator Cropsey moved that the Committee on Commerce and Tourism be discharged from further consideration of the following resolution:

**Senate Resolution No. 192.**

A resolution declaring Flushing, Michigan, as the Outside Family Movie Capital of Michigan.

The motion prevailed, a majority of the members serving voting therefor, and the resolution was placed on the order of Resolutions.

By unanimous consent the Senate proceeded to the order of  
**Resolutions**

Senator Cropsey moved that consideration of the following resolutions be postponed for today:

**Senate Concurrent Resolution No. 22**

**Senate Resolution No. 181**

The motion prevailed.

**Senate Resolution No. 192.**

A resolution declaring Flushing, Michigan, as the Outside Family Movie Capital of Michigan.

The question being on the adoption of the resolution,

Senator Gleason offered the following amendments:

1. Amend the title, line 1, after "as" by inserting "one of".
2. Amend the first Resolved clause, line 1, after "declared" by inserting "as one of".

The amendments were adopted.

The resolution, as amended, was adopted.

Senator Cropsey offered the following concurrent resolution:

**Senate Concurrent Resolution No. 30.**

A concurrent resolution prescribing the legislative schedule.

Resolved by the Senate (the House of Representatives concurring), That when the Legislature adjourns on Saturday, June 28, 2008, the Senate stands adjourned until Thursday, July 17, 2008, at 10:00 a.m., and the House of Representatives stands adjourned until Wednesday, July 16, 2008, at 10:00 a.m.

Pending the order that, under rule 3.204, the concurrent resolution be referred to the Committee on Government Operations and Reform,

Senator Cropsey moved that the rule be suspended.

The motion prevailed, a majority of the members serving voting therefor.

The concurrent resolution was adopted.

Senators Cassis and Pappageorge were named co-sponsors of the concurrent resolution.

Senator Bishop offered the following resolution:

**Senate Resolution No. 209.**

A resolution to request the Superintendent of Public Instruction to conduct a review of the financial conditions of the Detroit Public Schools pursuant to the provisions of 1990 PA 72 and to report the findings to the legislature by August 27, 2008.

Whereas, The Local Government Fiscal Responsibility Act, 1990 PA 72, provides for the review, management, and planning of local units of government, including public school districts, that are facing financial emergency situations. This act sets forth specific steps to be taken to identify conditions that require emergency attention and outlines the process to be followed to ameliorate the situation; and

Whereas, Section 33 of this act, being MCL §141.1233, provides that either house of the legislature may request the state's Superintendent of Public Instruction to review the financial conditions of a school district. This sets in motion a series of actions ultimately aimed at rectifying problems that may subsequently be identified; and

Whereas, It has become clear that the state's largest school district, the Detroit Public Schools, is facing grave financial conditions. Reports indicate the possibility of the accumulation of a deficit over the past several years that is in the range of hundreds of millions of dollars. The severity of this financial crisis imperils the district's ability to educate students; and

Whereas, The legislature is deeply concerned about the welfare of the children of Detroit. It is critical to provide the necessary fiscal oversight that is currently lacking in the district. The legislature cannot stand by and let mismanagement fail the children in the state's largest school district. It is imperative that we ensure that state aid money from the taxpayers of Michigan is spent on the education of students and is not being diverted to areas where it may be wasted or spent inappropriately and therefore not put to its best use; now, therefore, be it

Resolved by the Senate, That, pursuant to the provisions of section 33 of 1990 PA 72, the Local Government Fiscal Responsibility Act, MCL § 141.1233, we request the Superintendent of Public Instruction to conduct a review of the financial conditions of the Detroit Public Schools. We also urge the Superintendent to forward to the legislature any and all relevant documentation that is currently on hand and any and all documentation that becomes available as part of the review process and to report the findings to the legislature by August 27, 2008; and be it further

Resolved, That copies of this resolution be transmitted to the Superintendent of Public Instruction.

Pending the order that, under rule 3.204, the resolution be referred to the Committee on Government Operations and Reform,

Senator Cropsey moved that the rule be suspended.

The motion prevailed, a majority of the members serving voting therefor.

The question being on the adoption of the resolution,

Senator Thomas offered the following amendment:

1. Amend the first Resolved clause, line 3, after "Schools." by inserting "We urge the Superintendent to consider and report upon the adverse financial impact to the district's budget and reserves during the period when control of the district was taken over by the state of Michigan."

The amendment was not adopted.

The resolution was adopted.

Senators Birkholz, Brown, Cassis, Cropsey, Garcia, Jelinek, Kuipers, Pappageorge, Richardville, Stamas and Van Woerkom were named co-sponsors of the resolution.

Senators Clark-Coleman and Clarke asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Clark-Coleman's statement is as follows:

I was a member of the Legislature back in 1999 when the Legislature decided to take over the Detroit Board of Education. Normally, when you take over a district, it's because of the finances—you are running deficits. Back then, there was a \$90 million surplus. It was not a takeover because of running a deficit. Back then, Governor John Engler took over the Detroit Board of Education and brought in his people to run the district. Over the next five years, the state ran the district. When they turned it back over, instead of a \$90 million surplus, there was a \$200 million deficit. I think this state played a big role in the deficit that was created then. The state was running the school district and left the district with a \$200 million deficit. Now you want to penalize the school district because of what the state did to the school district.

The new superintendent that came in here recognizes that there is a problem there, and she didn't just sit still. She called in financial experts from the Council of Great City Schools. That is why in the paper today there is a report that the superintendent asked for assistance from the people who are paid to do that—the Council of Great City Schools. They are the ones who went through and identified what needs to be done, so that the superintendent can now do these things. State Superintendent Mike Flanagan is working with that district. It is not like he has just turned them loose and said, "You are on your own." Mike Flanagan is working with the Detroit School District to right-size it.

So now you want to start down this road of another takeover so that you can completely destroy the school district this time. If there is a \$400 million deficit, guess who put that whole issue into place? It was the state's people who came in and devised the plan to run that district. They ran it into the ground with a \$200 million deficit. Then you turn it back over to the board and say, "It's your fault." It was not their fault. It was the fault of this state, which took a \$90 million surplus and in five years and turned it into a \$200 million deficit. Don't just sit here all pious as if the state had no role in it because the state had a big role in this. The state is responsible for the condition that the district is in now. If the state had not taken it over back in 1999, chances are the district might have been running well right now because they weren't losing money; they had money.

So before you sit here and prejudge the district, it is trying to get things together. Dr. Calloway did what she was supposed to do; she called in the experts to take a look at the whole system and to advise her. That is why the report is what it is today. When you sit here and prejudge, just look at yourselves because many of you were here back in 1999, and many of you voted to take over a district that was not in a deficit. Be careful of what you ask for because you might get it. That is what you did.

Senator Clarke's statement is as follows:

Yesterday, I voted against the Michigan Department of Education budget because it did not contain funding or a directive to require the state to conduct a comprehensive performance audit of the Detroit Public Schools system. I felt that type of audit was important because it would review the finances of the Detroit Public Schools for the purpose of comparing it to the best practices in other school districts, and then to make recommendations on how Detroit Public Schools money could be spent most efficiently to better educate and graduate Detroit Public Schools students.

I asked for a comprehensive examination of the Detroit schools finances in order to better spend the money to best educate Detroit schoolchildren. I oppose this resolution because it asks the school Superintendent of Public Instruction to review the school district's financial condition as the first step in a legal process that could lead to the next takeover of the Detroit Public Schools system.

I will not be a part of this. I will do everything I can to fight this. We do not need the school district in Detroit to be crippled by another political maneuver from Lansing. I urge you to vote against this resolution.

By unanimous consent the Senate returned to the order of

#### **Messages from the House**

Senator Cropsey moved that consideration of the following bills be postponed for today:

**Senate Bill No. 53**

**House Bill No. 4120**

**House Bill No. 4507**

**Senate Bill No. 868**

**Senate Bill No. 239**

The motion prevailed.

#### **Senate Bill No. 370, entitled**

A bill to amend 1927 PA 372, entitled "An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license or other authorization; to provide for the forfeiture of firearms under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act," by amending sections 2a, 5f, and 5o (MCL 28.422a, 28.425f, and 28.425o), section 2a as added by 2000 PA 381 and sections 5f and 5o as amended by 2002 PA 719.

The House of Representatives has concurred in the Senate amendments to the House substitute (H-4) and agreed to the title as amended.

The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

#### **Senate Bill No. 412, entitled**

A bill to amend 1984 PA 431, entitled "The management and budget act," (MCL 18.1101 to 18.1594) by adding section 261d.

(This bill was returned from the House without amendment on June 27 and the recommendation for immediate effect postponed. See Senate Journal No. 66, p. 1326.)



therein; to create a board of trustees, and to prescribe its powers and duties; to provide for county and district committees, and their powers, duties, and expenses; to prescribe penalties; and to make appropriations to carry out the provisions of this act," by amending section 5 (MCL 35.605), as amended by 2002 PA 53.

The House of Representatives has passed the bill and ordered that the bill be given immediate effect.

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was concurred in, 2/3 of the members serving voting therefor.

The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

#### **Senate Bill No. 849, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 503b.

The House of Representatives has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was concurred in, 2/3 of the members serving voting therefor.

The Senate agreed to the full title.

The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

#### **Senate Bill No. 850, entitled**

A bill to amend 1966 PA 331, entitled "Community college act of 1966," by amending sections 124 and 142 (MCL 389.124 and 389.142), section 124 as amended by 2007 PA 109 and section 142 as amended by 1997 PA 23.

The House of Representatives has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was concurred in, 2/3 of the members serving voting therefor.

The Senate agreed to the full title.

The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

#### **Senate Bill No. 852, entitled**

A bill to amend 2000 PA 489, entitled "Michigan trust fund act," by amending section 7 (MCL 12.257), as amended by 2007 PA 50.

The House of Representatives has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

Senator Cropsy moved that the bill be given immediate effect.

The motion prevailed, 2/3 of the members serving voting therefor.

The Senate agreed to the full title.

The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

#### **Senate Bill No. 853, entitled**

A bill to amend 1982 PA 249, entitled "An act to establish the state children's trust fund in the department of treasury; and to provide certain powers and duties of the department of treasury with respect to the trust fund," by amending section 1 (MCL 21.171), as amended by 2005 PA 119.

The House of Representatives has passed the bill and ordered that the bill be given immediate effect.

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was concurred in, 2/3 of the members serving voting therefor.

The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

#### **Senate Bill No. 856, entitled**

A bill to amend 1986 PA 316, entitled "Michigan education trust act," by amending sections 9 and 11 (MCL 390.1429 and 390.1431).

The House of Representatives has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was concurred in, 2/3 of the members serving voting therefor.

The Senate agreed to the full title.

The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

**Senate Bill No. 886, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 7dd (MCL 211.7dd), as amended by 2006 PA 114.

The House of Representatives has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was concurred in, 2/3 of the members serving voting therefor.

The Senate agreed to the full title.

The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

**Senate Bill No. 1094, entitled**

A bill to make appropriations for the department of community health and certain state purposes related to mental health, public health, and medical services for the fiscal year ending September 30, 2009; to provide for the expenditure of those appropriations; to create funds; to require and provide for reports; to prescribe the powers and duties of certain local and state agencies and departments; and to provide for disposition of fees and other income received by the various state agencies.

(For Conference Report, see p. 1580.)

The House of Representatives has adopted the report of the Committee of Conference.

The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

**Senate Bill No. 1095, entitled**

A bill to make appropriations for the department of corrections and certain state purposes related to corrections for the fiscal year ending September 30, 2009; to provide for the expenditure of the appropriations; to provide for reports; to provide for the creation of certain advisory committees and boards; to prescribe certain powers and duties of the department of corrections, certain other state officers and agencies, and certain advisory committees and boards; to provide for the collection of certain funds; and to provide for the disposition of fees and other income received by certain state agencies.

(For Conference Report, see Senate Journal No. 66, p. 1384.)

The House of Representatives has adopted the report of the Committee of Conference.

The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

**Senate Bill No. 1097, entitled**

A bill to make appropriations for the department of environmental quality for the fiscal year ending September 30, 2009; to provide for the expenditure of those appropriations; to create certain funds and accounts; to require certain reports; to prescribe the powers and duties of certain state agencies and officials; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by the various state agencies.

(For Conference Report, see Senate Journal No. 66, p. 1407.)

The House of Representatives has adopted the report of the Committee of Conference and ordered that the bill be given immediate effect.

The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

**Senate Bill No. 1106, entitled**

A bill to make appropriations for the department of natural resources for the fiscal year ending September 30, 2009; to provide for the expenditure of those appropriations; to create funds and accounts; to require reports; to prescribe certain powers and duties of certain state agencies and officials; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by the various state agencies.

(For Conference Report, see Senate Journal No. 66, p. 1423.)

The House of Representatives has adopted the report of the Committee of Conference.

The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

**Senate Bill No. 1217, entitled**

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 113 (MCL 208.1113), as amended by 2007 PA 145.

The House of Representatives has substituted (H-2) the bill.

The House of Representatives has passed the bill as substituted (H-2), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 2007 PA 36, entitled “An act to meet deficiencies in state funds by providing for the imposition, levy, computation, collection, assessment, reporting, payment, and enforcement of taxes on certain commercial, business, and financial activities; to prescribe the powers and duties of public officers and state departments; to provide for the inspection of certain taxpayer records; to provide for interest and penalties; to provide exemptions, credits, and refunds; to provide for the disposition of funds; to provide for the interrelation of this act with other acts; and to make appropriations,” by amending section 113 (MCL 208.1113), as amended by 2008 PA 97.

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator Cropsey moved that the rule be suspended.

The motion prevailed, a majority of the members serving voting therefor.

The question being on concurring in the substitute made to the bill by the House,

The substitute was concurred in, a majority of the members serving voting therefor, as follows:

**Roll Call No. 513**

**Yeas—36**

Allen	Cherry	Hunter	Prusi
Anderson	Clark-Coleman	Jacobs	Richardville
Barcia	Clarke	Jansen	Sanborn
Basham	Cropsey	Jelinek	Schauer
Birkholz	Garcia	Kahn	Scott
Bishop	George	Kuipers	Stamas
Brater	Gilbert	McManus	Switalski
Brown	Gleason	Olshove	Thomas
Cassis	Hardiman	Pappageorge	Van Woerkom

**Nays—0**

**Excused—2**

Patterson	Whitmer
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**Not Voting—0**

In The Chair: Richardville

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was concurred in, 2/3 of the members serving voting therefor.

The Senate agreed to the title as amended.

The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

**Senate Bill No. 1243, entitled**

A bill to amend 1966 PA 346, entitled “State housing development authority act of 1966,” by amending the title and sections 2, 11, 22, 58, 58a, 58b, and 58c (MCL 125.1402, 125.1411, 125.1422, 125.1458, 125.1458a, 125.1458b, and 125.1458c), the title as amended and sections 58, 58a, 58b, and 58c as added by 2004 PA 480, section 11 as amended by 2004 PA 549, and section 22 as amended by 2002 PA 385, and by adding sections 58e and 58f; and to repeal acts and parts of acts.

The House of Representatives has substituted (H-1) the bill.

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1966 PA 346, entitled “An act to create a state housing development authority; to define the powers and duties of the authority; to establish a housing development revolving fund; to establish a land acquisition and development



fund; to establish a rehabilitation fund; to establish a conversion condominium fund; to create certain other funds and provide for the expenditure of certain funds; to authorize the making and purchase of loans, deferred payment loans, and grants to qualified developers, sponsors, individuals, mortgage lenders, and municipalities; to establish and provide acceleration and foreclosure procedures; to provide tax exemption; to authorize payments instead of taxes by nonprofit housing corporations, consumer housing cooperatives, limited dividend housing corporations, mobile home park corporations, and mobile home park associations; and to prescribe criminal penalties for violations of this act," by amending section 58b (MCL 125.1458b), as added by 2004 PA 480, and by adding sections 58e and 58f; and to repeal acts and parts of acts.

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator Cropsey moved that the rule be suspended.

The motion prevailed, a majority of the members serving voting therefor.

The question being on concurring in the substitute made to the bill by the House,

The substitute was concurred in, a majority of the members serving voting therefor, as follows:

**Roll Call No. 514**

**Yeas—36**

Allen	Cherry	Hunter	Prusi
Anderson	Clark-Coleman	Jacobs	Richardville
Barcia	Clarke	Jansen	Sanborn
Basham	Cropsey	Jelinek	Schauer
Birkholz	Garcia	Kahn	Scott
Bishop	George	Kuipers	Stamas
Brater	Gilbert	McManus	Switalski
Brown	Gleason	Olshove	Thomas
Cassis	Hardiman	Pappageorge	Van Woerkom

**Nays—0**

**Excused—2**

Patterson                      Whitmer

**Not Voting—0**

In The Chair: Richardville

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was concurred in, 2/3 of the members serving voting therefor.

The Senate agreed to the title as amended.

The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

By unanimous consent the Senate proceeded to the order of

**Third Reading of Bills**

Senator Cropsey moved that the following bill be placed at the head of the Third Reading of Bills calendar:

**House Bill No. 6208**

The motion prevailed.

The following bill was read a third time:

**House Bill No. 6208, entitled**

A bill to amend 1984 PA 270, entitled “Michigan strategic fund act,” by amending section 88d (MCL 125.2088d), as amended by 2008 PA 80.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

**Roll Call No. 515**

**Yeas—35**

Allen	Clark-Coleman	Jacobs	Richardville
Anderson	Clarke	Jansen	Sanborn
Barcia	Cropsey	Jelinek	Schauer
Basham	Garcia	Kahn	Scott
Birkholz	George	Kuipers	Stamas
Bishop	Gilbert	McManus	Switalski
Brater	Gleason	Olshove	Thomas
Brown	Hardiman	Pappageorge	Van Woerkom
Cherry	Hunter	Prusi	

**Nays—1**

Cassis

**Excused—2**

Patterson

Whitmer

**Not Voting—0**

In The Chair: Richardville

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was concurred in, 2/3 of the members serving voting therefor.

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act relating to the economic development of this state; to create the Michigan strategic fund and to prescribe its powers and duties; to transfer and provide for the acquisition and succession to the rights, properties, obligations, and duties of the job development authority and the Michigan economic development authority to the Michigan strategic fund; to provide for the expenditure of proceeds in certain funds to which the Michigan strategic fund succeeds in ownership; to provide for the issuance of, and terms and conditions for, certain notes and bonds of the Michigan strategic fund; to create certain boards and funds; to create certain permanent funds; to exempt the property, income, and operation of the fund and its bonds and notes, and the interest thereon, from certain taxes; to provide for the creation of certain centers within and for the purposes of the Michigan strategic fund; to provide for the creation and funding of certain accounts for certain purposes; to impose certain powers and duties upon certain officials, departments, and authorities of this state; to make certain loans, grants, and investments; to provide penalties; to make an appropriation; and to repeal acts and parts of acts.”

The Senate agreed to the full title.

By unanimous consent the Senate returned to the order of  
**Motions and Communications**

Senator Cropsey moved that, pursuant to rule 1.114, upon receipt of Senate bills returned from the House of Representatives, the Secretary of the Senate be directed to proceed with the enrollment printing and presentation of the bills to the Governor.

The motion prevailed.

### Recess

Senator Cropsey moved that the Senate recess subject to the call of the Chair.  
The motion prevailed, the time being 1:09 a.m.

1:38 a.m.

The Senate was called to order by the President pro tempore, Senator Richardville.

By unanimous consent the Senate returned to the order of  
**Resolutions**

Senator Patterson offered the following resolution:

#### **Senate Resolution No. 210.**

A resolution maximizing the state's ability to affect the terms and conditions of gaming operations under federal law by concurring in the tribal-state gaming compact negotiated between the Governor and the Match-E-Be-Nash-She-Wish Band of Pottawatomis Indians of Michigan (the Gun Lake Band) and the State of Michigan and executed on May 9, 2007.

Whereas, The United States Congress enacted the Indian Gaming Regulatory Act of 1988 (IGRA) to provide a statutory framework for the establishment of regulatory roles for the states, the federal government, and Indian tribes in tribal Class III gaming operations; and

Whereas, Federally recognized Indian tribes have a right under this federal law to operate gaming as a means of economic development within states that allow such gaming for any purpose by any person, organization, or entity. The State of Michigan permits Class III gaming to be operated by non-tribal entities under the Michigan Gaming Control and Revenue Act; and

Whereas, Under federal law, states have limited ability to affect the terms and conditions of tribal Class III gaming by entering into a compact between the state and a federally recognized Indian tribe; and

Whereas, The State of Michigan has entered into tribal-state gaming compacts with 11 of Michigan's 12 federally recognized Indian tribes, the only federally recognized Indian tribe not having a compact being the Gun Lake Band. The Michigan Legislature has approved all 11 tribal-state gaming compacts by resolution. The Michigan Supreme Court has held that the Michigan Legislature has the authority to approve tribal-state gaming compacts by legislative resolution; and

Whereas, The Match-E-Be-Nash-She-Wish Band of Pottawatomis Indians of Michigan, which is also known as the Gun Lake Band, became a federally recognized Indian tribe in 1998; and

Whereas, A new tribal-state gaming compact between the State of Michigan and the Gun Lake Band (the "Gun Lake Compact") has been negotiated by the Governor and the Gun Lake Band and signed on May 9, 2007. This compact has been filed with the Secretary of the Michigan Senate, and is available for review. The Gun Lake Compact contains terms and conditions more beneficial to the State of Michigan than the previous 11 compacts; and

Whereas, The Gun Lake Compact contains additional and substantial regulatory provisions governing the Gun Lake Band's proposed gaming facility that are not contained in any of the 11 other tribal-state gaming compacts; and

Whereas, The Gun Lake Compact prohibits the sale of tobacco to minors at the Gun Lake Band's proposed gaming facility; and

Whereas, The Gun Lake Compact provides that persons under 21 years of age may not participate in gaming at the Gun Lake Band's proposed gaming facility; and

Whereas, The Gun Lake Compact provides additional safeguards for revenue payments to the State of Michigan when compared to the prior 11 Class III gaming compacts; and

Whereas, The Gun Lake Compact contains a potential for substantially increased revenue sharing with the State of Michigan when compared to the prior 11 compacts, and also contains a minimum of a 50 percent increase over the prior 11 compacts for payments to the State of Michigan as reimbursement for regulatory costs; and

Whereas, The Gun Lake Compact also contains terms and conditions more beneficial to the state than the March 2008 settlement between the Governor and the Little River Band of Ottawa Indians and the Little Traverse Bay Bands of Odawa Indians regarding the tribes' Club Keno lawsuit that challenged their obligation to pay a portion of their tribal casino revenue to the Michigan Strategic Fund; and

Whereas, The Secretary of the United States Department of the Interior has issued procedures for the operation of Class III gaming by Indian tribes that permit said tribes to operate Class III gaming facilities in the absence of a tribal-state compact where states have failed to enter into a compact with such tribes; and

Whereas, In the case of *Michigan Gambling Opposition v. United States Department of Interior, et al*, No. 07-5092, the United States Court of Appeals for the D. C. Circuit ruled in favor of the Gun Lake Band on April 29, 2008, on the issue of the Secretary of Interior taking land into trust for the tribe for the purpose of conducting Class III gaming. There may be further appellate action in this case before there is a final federal appellate court determination of this issue. The Senate takes no position on any potential petition for writ of certiorari or the merits of any further appellate consideration of the case, and neither endorses nor opposes any writ of certiorari that may be filed by any litigants in response to the April 29, 2008, decision. Approving this resolution neither condones nor encourages the expansion of casino gaming; now, therefore, be it

Resolved by the Senate, That we affirm the state's ability to impact the terms and conditions of Indian gaming under federal law by concurring in a tribal-state compact; and be it further

Resolved, That, pursuant to requirements of the IGRA and pursuant to section 10 of the proposed compact, we concur in the tribal-state gaming compact signed on May 9, 2007, by the Governor and the Chairperson of the Match-E-Be-Nash-She-Wish Band of Pottawatomis Indians of Michigan (the Gun Lake Band) and on file with the Secretary of the Senate providing for and governing the conduct of tribal Class III gaming by the Match-E-Be-Nash-She-Wish Band of Pottawatomis Indians of Michigan (the Gun Lake Band); and be it further

Resolved, That copies of this resolution be transmitted to the Governor, representatives of the Match-E-Be-Nash-She-Wish Band of Pottawatomis Indians of Michigan, and the United States Secretary of the Interior.

Pursuant to rule 3.204, the resolution was referred to the Committee on Government Operations and Reform.

By unanimous consent the Senate returned to the order of

### Messages from the House

#### Senate Bill No. 1267, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," (MCL 208.1101 to 208.1601) by adding section 432b.

The House of Representatives has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was concurred in, 2/3 of the members serving voting therefor.

The Senate agreed to the full title.

The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

#### Senate Bill No. 1268, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," (MCL 208.1101 to 208.1601) by adding section 432c.

The House of Representatives has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was concurred in, 2/3 of the members serving voting therefor.

The Senate agreed to the full title.

The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

#### Senate Bill No. 1270, entitled

A bill to amend 1995 PA 24, entitled "Michigan economic growth authority act," by amending section 6 (MCL 207.806), as amended by 2007 PA 150.

The House of Representatives has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was concurred in, 2/3 of the members serving voting therefor.

The Senate agreed to the full title.

The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

By unanimous consent the Senate returned to the order of  
**Motions and Communications**

Senator Cropsey moved that the following bills and joint resolution, now on the orders of Messages from the House and General Orders and on Committee Reports, be referred to committee as follows:

**Committee on Finance**

**Senate Bill No. 53, entitled**

A bill to amend 1964 PA 284, entitled "City income tax act," (MCL 141.501 to 141.787) by adding section 36 to chapter 2.

**Senate Bill No. 921, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16345, 18301, 18303, 18305, 18307, and 18309 (MCL 333.16345, 333.18301, 333.18303, 333.18305, 333.18307, and 333.18309), section 16345 as added by 1993 PA 79, sections 18301, 18303, 18307, and 18309 as added by 1988 PA 473, and section 18305 as amended by 2006 PA 394, and by adding sections 18313 and 18315.

**House Bill No. 4847, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 819 (MCL 257.819), as amended by 1990 PA 168.

**Committee on Judiciary**

**Senate Bill No. 385, entitled**

A bill to require certain providers of electric service to comply with a portfolio standard for renewable energy; to prescribe the powers and duties of certain state agencies and officials; to create a fund; and to provide for penalties.

**Committee on Health Policy**

**Senate Bill No. 427, entitled**

A bill to amend 1939 PA 3, entitled "An act to provide for the regulation and control of public and certain private utilities and other services affected with a public interest within this state; to provide for alternative energy suppliers; to provide for licensing; to include municipally owned utilities and other providers of energy under certain provisions of this act; to create a public service commission and to prescribe and define its powers and duties; to abolish the Michigan public utilities commission and to confer the powers and duties vested by law on the public service commission; to provide for the continuance, transfer, and completion of certain matters and proceedings; to abolish automatic adjustment clauses; to prohibit certain rate increases without notice and hearing; to qualify residential energy conservation programs permitted under state law for certain federal exemption; to create a fund; to provide for a restructuring of the manner in which energy is provided in this state; to encourage the utilization of resource recovery facilities; to prohibit certain acts and practices of providers of energy; to allow for the securitization of stranded costs; to reduce rates; to provide for appeals; to provide appropriations; to declare the effect and purpose of this act; to prescribe remedies and penalties; and to repeal acts and parts of acts," by amending the title and section 6j (MCL 460.6j), the title as amended by 2005 PA 190 and section 6j as amended by 1987 PA 81, and by adding section 6q.

**House Bill No. 4612, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 11b of chapter XVII (MCL 777.11b), as amended by 2005 PA 207.

**Committee on Economic Development and Regulatory Reform**

**Senate Bill No. 1083, entitled**

A bill to amend 1968 PA 191, entitled "An act to create a state boundary commission; to prescribe its powers and duties; to provide for municipal incorporation, consolidation, and annexation; to prescribe penalties and provide remedies; and to repeal acts and parts of acts," by amending section 11b (MCL 123.1011b), as added by 1982 PA 192.

**Senate Bill No. 1087, entitled**

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 480 and 544c (MCL 168.480 and 168.544c), section 544c as amended by 2002 PA 431; and to repeal acts and parts of acts.

**Senate Joint Resolution K, entitled**

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 9 of article II, to revise the signature requirements for initiative and referendum petitions.

**Senate Bill No. 1401, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 1239 (MCL 500.1239), as amended by 2007 PA 187.

**Committee on Transportation****Senate Bill No. 1344, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 1205 (MCL 500.1205), as amended by 2001 PA 228.

**Committee on Commerce and Tourism****Senate Bill No. 1084, entitled**

A bill to authorize the removal, capture, or lethal control of a gray wolf that is killing, wounding, or biting livestock under certain circumstances; and to promulgate rules.

**Committee on Families and Human Services****Senate Bill No. 7, entitled**

A bill to establish minimum efficiency standards for certain products sold or installed in the state; to prescribe the powers and duties of certain state agencies and officials; and to provide for penalties.

**Committee on Education****House Bill No. 5548, entitled**

A bill to require providers of retail electric service to establish a renewable energy program; to prescribe the powers and duties of certain state agencies and officials; and to provide for sanctions.

The motion prevailed.

Senator Bishop moved to reconsider the vote on the motion by which the bills and joint resolution were referred to committee.

The question being on the motion to reconsider,

Senator Bishop moved that further consideration of the motion be postponed for today.

The motion prevailed.

By unanimous consent the Senate returned to the order of

**Resolutions**

Senator Bishop offered the following resolution:

**Senate Resolution No. 211.**

A resolution to amend the Standing Rules of the Senate.

Resolved by the Senate, That Rule 2.103 of the Standing Rules of the Senate is hereby amended to read as follows:

"2.103 STANDING COMMITTEES

The standing committees of the Senate shall be:

Agriculture (5 members)

Appropriations (18 members)

Banking and Financial Institutions (7 members)

Campaign and Election Oversight (5 4 members)

Commerce and Tourism (5 members)

Economic Development and Regulatory Reform (7 members)

Education (5 members)

Energy Policy and Public Utilities (8 members)

Families and Human Services (3 members)

Finance (7 members)

Government Operations and Reform (7 6 members)

Health Policy (7 members)

Homeland Security and Emerging Technologies (7 members)

**HUNTING, FISHING AND OUTDOOR RECREATION (5 MEMBERS)**

Judiciary (7 6 members)

Local, Urban and State Affairs (5 members)

Natural Resources and Environmental Affairs (5 members)

Senior Citizens and Veterans Affairs (5 members)

Transportation (5 members)

Statutory standing committees:

Administrative Rules (5 members) (see MCL 24.235)

Legislative Council (6 members and 3 alternates) (see MCL 4.1103)

Legislative Retirement Board of Trustees (2 members) (see MCL 38.1026)

Michigan Capitol Committee (4 members) (see MCL 4.1701)".

Pending the order that, under rule 3.204, the resolution be referred to the Committee on Government Operations and Reform,

Senator Stamas moved that the rule be suspended.

The motion prevailed, a majority of the members serving voting therefor.

Senator Schauer requested the yeas and nays.

The yeas and nays were ordered, 1/5 of the members present voting therefor.

The motion prevailed, a majority of the members serving voting therefor, as follows:

**Roll Call No. 516**

**Yeas—20**

Allen	Cropsey	Jansen	Pappageorge
Birkholz	Garcia	Jelinek	Richardville
Bishop	George	Kahn	Sanborn
Brown	Gilbert	Kuipers	Stamas
Cassis	Hardiman	McManus	Van Woerkom

**Nays—13**

Anderson	Clark-Coleman	Hunter	Scott
Barcia	Clarke	Olshove	Switalski
Basham	Gleason	Schauer	Thomas
Brater			

**Excused—2**

Patterson	Whitmer
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**Not Voting—3**

Cherry	Jacobs	Prusi
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In The Chair: Richardville

The question being on the adoption of the resolution,

Senator Jansen moved that the previous question be ordered.

The motion prevailed.

The question being on the adoption of the resolution,

The resolution was adopted, a majority of the members serving voting therefor.

By unanimous consent the Senate returned to the order of  
**Motions and Communications**

The Secretary announced that the Majority Leader has made the appointment of the following standing committees:

**Health Policy** - Senator Allen (VC).

**Judiciary** - Senator Whitmer removed.

**Campaign and Election Oversight** - Senator Schauer removed.

**Government Operations and Reform** - Senator McManus replacing Senator Patterson; Senator Schauer removed.

**Hunting, Fishing and Outdoor Recreation** - Senators Barcia (C), McManus (VC), Cropsey, Allen and Prusi.

The standing committee appointments were approved, a majority of the members serving voting therefor.

Senator Jelinek moved that the Senate adjourn.

The motion prevailed, the time being 1:57 a.m.

Pursuant to Senate Concurrent Resolution No. 30, the President pro tempore, Senator Richardville, declared the Senate adjourned until Thursday, July 17, 2008, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate