

MEDICAL EXAMINATION FOR CERTAIN FIP ASSISTANCE RECIPIENTS

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House Bill 5183 as introduced
Sponsor: Rep. Peter J. Lucido
Committee: Families, Children and Seniors
Complete to 2-21-18

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 5183 would amend Section 57f of the Social Welfare Act to require that medical and disability exemptions from Family Independence Program (FIP) work requirements for assistance recipients be made on a provisional basis, pending the results of an independent medical examination.

Under current law, recipients of FIP assistance are required to participate in the PATH program, which arranges work participation and employment-related support. There are exemptions from this general requirement: for instance, for children and senior citizens.

Also exempted are individuals who have medical documentation of being disabled, who have medical documentation of being unable to work or participate in the PATH program for more than 90 days because of a mental or physical condition, or who are unable to participate as determined by a medical review team. A temporary exemption of up to 90 days may be granted to an individual who is suffering from a documented short-term mental or physical illness, limitation, or disability that restricts his or her ability to participate in PATH program activities. The temporary exemption can be full or partial, depending on the severity of the individual's illness, limitation, or disability. [Note: A person is not considered disabled for purposes of an exemption if substance abuse is a contributing factor material to the determination of disability.]

Under the bill, all of the exemptions described in the preceding paragraph would be granted on a provisional basis. The Department of Health and Human Services (DHHS) would have to require and provide for an independent medical examination within 90 days of granting such a provisional exemption. If the independent medical examiner were to find the basis for the exemption invalid, or if the applicant were to fail to appear for the examination, the exemption would be rescinded and the applicant's nonparticipation in the PATH program during the period of the provisional exemption would be considered a failure to cooperate under the FIP program. Any assistance received by the applicant during the period of the provisional exemption would be considered an overissuance and would be subject to administrative recoupment by DHHS.

The bill would also reinstate provisions that would allow DHHS to promulgate rules identifying exemptions under Section 57f from the PATH program requirements and allow the director of DHHS to grant exemptions for extenuating circumstances beyond the exemptions provided in Section 57f. The department would be required to report these

exemptions, and the individual reasons for them, annually to the legislature. (These provisions had expired December 31, 2013; the bill would remove that sunset and reenact the provisions.)

MCL 400.57f

FISCAL IMPACT:

House Bill 5183 would increase costs to the Department of Health and Human Services (DHHS) by an unknown amount. The amount of increase would depend upon how many independent medical examinations the department would now have to provide for Family Independence Program (FIP) recipients under the bill's provisions.

Currently, DHHS has the Michigan Disability Determination Service (DDS), which is funded within the department, determine the initial and continuing eligibility for disability benefits for the following programs: Social Security Disability Insurance, Supplemental Security Income (SSI), Medicaid Assistance, State Disability Assistance, and the Office of Retirement Services disability retirement program. The costs for an independent medical examination for certain FIP recipients is unknown at this time.

The department may also incur additional costs under the bill's provisions, such as those related to providing transportation for clients to attend independent medical examinations, funding for any necessary programming changes to the Bridges program, or other additional administration costs.

In FY 2016-17, the monthly average number of FIP recipients was 48,120 individuals. Of this number, there were 37,734 children on average each month and 10,386 adults. The number of adult FIP recipients includes both individuals who are exempt from FIP work requirements and those who are not.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.