

HOUSE BILL No. 5453

January 14, 1998, Introduced by Reps. Olshove, Martinez, Baird, Hale, Callahan, Harder, Brewer, Curtis, Schauer, Goschka and Baade and referred to the Committee on Human Services and Children.

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending section 107 (MCL 400.107) and by adding sections 107a and 107b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 107. In establishing financial eligibility for the
2 medically indigent as defined in section ~~106(2)~~ 106 (1)(B),
3 income shall be disregarded in accordance with standards estab-
4 lished for the related categorical assistance program, SUBJECT TO
5 SECTIONS 107A AND 107B. Additional income shall be applied
6 against ~~:(i)~~ the cost of medical care not authorized under
7 this act, and ~~(ii)~~ the cost of services authorized under this
8 act, in excess of the basic amount. For medical assistance only,
9 income shall include the amount of contribution ~~which~~ THAT an
10 estranged spouse or parent for a minor child is making to the

1 applicant according to the standards of the state department, or
2 pursuant to a court determination, if there is such a
3 determination. ~~Nothing~~ EXCEPT AS PROVIDED IN SECTION 107B,
4 NOTHING in this section ~~shall eliminate~~ ELIMINATES the respon-
5 sibility of support established in section 76 for cash assistance
6 received under this act.

7 SEC. 107A. AS USED IN THIS SECTION AND SECTION 107B:

8 (A) "ADJUSTED ANNUALLY" MEANS INCREASED BY THE DEPARTMENT
9 EACH YEAR, BASED UPON THE PERCENTAGE INCREASE IN THE CONSUMER
10 PRICE INDEX FOR ALL URBAN CONSUMERS, ALL ITEMS, U.S. CITY AVER-
11 AGE, AS DETERMINED BY THE BUREAU OF LABOR STATISTICS OF THE
12 UNITED STATES DEPARTMENT OF LABOR, BETWEEN SEPTEMBER 1988 AND THE
13 SEPTEMBER BEFORE THE CALENDAR YEAR INVOLVED.

14 (B) "AT RISK OF INSTITUTIONALIZATION" MEANS THAT, WITHOUT
15 THE PROVISION OF HOME OR COMMUNITY-BASED SERVICES DESCRIBED IN
16 SECTION 109C, A PERSON WOULD HAVE TO BE CARED FOR IN A MEDICAL
17 INSTITUTION.

18 (C) "INSTITUTIONALIZED SPOUSE" MEANS A QUALIFIED APPLICANT
19 WHO IS MARRIED TO A SPOUSE WHO IS NOT IN A MEDICAL INSTITUTION OR
20 AT RISK OF INSTITUTIONALIZATION.

21 (D) "LONG-TERM CARE" MEANS CARE THAT EXCEEDS OR IS PROJECTED
22 TO EXCEED AT LEAST 30 DAYS.

23 (E) "MEDICAL INSTITUTION" MEANS THAT TERM AS DEFINED IN SEC-
24 TION 106(2).

25 (F) "QUALIFIED APPLICANT" MEANS A PERSON WHO IS ADMITTED TO
26 A MEDICAL INSTITUTION FOR LONG-TERM CARE OR WHO IS FOUND THROUGH
27 A FORMAL PREADMISSION SCREENING PROCESS TO BE AT RISK OF

1 INSTITUTIONALIZATION FOR LONG-TERM CARE AND WHO APPLIES FOR
2 MEDICAL ASSISTANCE UNDER THIS ACT.

3 SEC. 107B. THE STATE DEPARTMENT SHALL AMEND THE STATE PLAN
4 FOR MEDICAL ASSISTANCE REQUIRED UNDER SECTION 1902 OF TITLE XIX
5 OF THE SOCIAL SECURITY ACT, CHAPTER 531, 49 STAT. 620, 42 U.S.C.
6 1396a, TO CONFORM TO FEDERAL REQUIREMENTS FOR THE TREATMENT OF
7 INCOME AND RESOURCES IN DETERMINING THE ELIGIBILITY OF AN INSTI-
8 TUTIONALIZED SPOUSE FOR MEDICAL ASSISTANCE. THE AMENDMENTS TO
9 THE STATE PLAN SHALL INCLUDE BOTH OF THE FOLLOWING:

10 (A) THE MINIMUM MONTHLY MAINTENANCE NEEDS ALLOWANCE, AS
11 DEFINED IN SECTION 1924(d)(3) OF TITLE XIX OF THE SOCIAL SECURITY
12 ACT, CHAPTER 531, 49 STAT. 620, 42 U.S.C. 1396r-5(d), TO BE
13 RETAINED BY OR TRANSFERRED TO THE SPOUSE OF AN INSTITUTIONALIZED
14 SPOUSE AND TREATED AS UNAVAILABLE FOR CARE OF THE INSTITUTIONAL-
15 IZED SPOUSE, SHALL BE \$1,500.00, AS ADJUSTED ANNUALLY, UNLESS THE
16 NEED FOR A HIGHER AMOUNT IS ESTABLISHED IN A FAIR HEARING OR BY
17 COURT ORDER.

18 (B) THE TOTAL AMOUNT OF RESOURCES TO BE RETAINED BY OR
19 TRANSFERRED TO THE SPOUSE OF AN INSTITUTIONALIZED SPOUSE AND
20 TREATED AS UNAVAILABLE FOR CARE OF THE INSTITUTIONALIZED SPOUSE
21 FOR PURPOSES OF SECTION 1924(f)(2)(A) OF TITLE XIX OF THE SOCIAL
22 SECURITY ACT, CHAPTER 531, 49 STAT. 620, 42 U.S.C. 1396r-5(f),
23 SHALL BE THE LESSER OF THE SPOUSAL SHARE DETERMINED UNDER SECTION
24 1924(c) OF THE SOCIAL SECURITY ACT, CHAPTER 531, 49 STAT. 620, 42
25 U.S.C. 1396r-5(c), OR \$60,000.00, AS ADJUSTED ANNUALLY, UNLESS
26 THE NEED FOR A HIGHER AMOUNT IS ESTABLISHED IN A FAIR HEARING OR
27 BY COURT ORDER.

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