

SUBSTITUTE FOR
HOUSE BILL NO. 5223

A bill to amend 1939 PA 280, entitled
"The social welfare act,"
(MCL 400.1 to 400.119b) by adding section 57v.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 57V. (1) THE DEPARTMENT SHALL ESTABLISH AND ADMINISTER A
2 PROGRAM OF SUSPICION-BASED SUBSTANCE ABUSE SCREENING AND TESTING
3 FOR FAMILY INDEPENDENCE PROGRAM APPLICANTS AND RECIPIENTS AS
4 DESCRIBED IN THIS SECTION.

5 (2) NOT LATER THAN JANUARY 1, 2013, THE DEPARTMENT SHALL
6 ADMINISTER SUSPICION-BASED SUBSTANCE ABUSE SCREENING AND TESTING
7 FOR FAMILY INDEPENDENCE PROGRAM APPLICANTS AND RECIPIENTS IN 3 OR
8 MORE COUNTIES IN THIS STATE. THE DEPARTMENT SHALL DETERMINE WHICH 3
9 OR MORE COUNTIES SHALL BEGIN THE INITIAL ADMINISTRATION OF THE

1 SUSPICION-BASED SUBSTANCE ABUSE SCREENING AND TESTING REQUIRED IN
2 THIS SUBSECTION.

3 (3) NOT LATER THAN JANUARY 1, 2014, THE DEPARTMENT SHALL
4 ADMINISTER SUSPICION-BASED SUBSTANCE ABUSE SCREENING AND TESTING
5 FOR FAMILY INDEPENDENCE PROGRAM APPLICANTS AND RECIPIENTS IN 1/2 OF
6 THE COUNTIES IN THIS STATE. THE DEPARTMENT SHALL DETERMINE WHICH
7 COUNTIES SHALL BEGIN ADMINISTERING SUSPICION-BASED SUBSTANCE ABUSE
8 SCREENING AND TESTING ON JANUARY 1, 2014.

9 (4) NOT LATER THAN JANUARY 1, 2015, THE DEPARTMENT SHALL
10 ADMINISTER SUSPICION-BASED SUBSTANCE ABUSE SCREENING AND TESTING
11 FOR FAMILY INDEPENDENCE PROGRAM APPLICANTS AND RECIPIENTS IN ALL OF
12 THE COUNTIES OF THIS STATE.

13 (5) THE DEPARTMENT SHALL ADMINISTER SUSPICION-BASED SUBSTANCE
14 ABUSE SCREENING AND TESTING REQUIRED UNDER THIS SECTION BY DOING
15 EITHER OF THE FOLLOWING:

16 (A) THE DEPARTMENT SHALL DEVELOP AND ADMINISTER A SUBSTANCE
17 ABUSE SURVEY THAT SHALL BE USED UPON INITIAL APPLICATION FOR FAMILY
18 INDEPENDENCE PROGRAM APPLICANTS AND AT ANNUAL REDETERMINATION FOR
19 FAMILY INDEPENDENCE PROGRAM RECIPIENTS.

20 (B) UPON INITIAL APPLICATION AND AT ANNUAL REDETERMINATION,
21 THE DEPARTMENT SHALL SCREEN FAMILY INDEPENDENCE PROGRAM APPLICANTS
22 AND RECIPIENTS FOR SUSPICION OF SUBSTANCE ABUSE USING AN
23 EMPIRICALLY VALIDATED SUBSTANCE ABUSE SCREENING TOOL.

24 (6) IF THE RESULTS OF THE SUBSTANCE ABUSE SCREENING GIVES THE
25 DEPARTMENT A REASONABLE SUSPICION TO BELIEVE THAT THE APPLICANT OR
26 RECIPIENT HAS ENGAGED IN THE ILLEGAL USE OF A CONTROLLED SUBSTANCE,
27 THE APPLICANT OR RECIPIENT IS REQUIRED TO TAKE A SUBSTANCE ABUSE

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1 **TEST. [IF THE APPLICANT OR RECIPIENT REFUSES TO TAKE A SUBSTANCE ABUSE**
2 **TEST, HE OR SHE IS INELIGIBLE FOR FAMILY INDEPENDENCE PROGRAM ASSISTANCE,**
3 **BUT MAY REAPPLY AFTER 6 MONTHS, SUBJECT TO ANOTHER SUBSTANCE ABUSE**
4 **SCREENING AS REQUIRED IN THIS SECTION. THE APPLICANT OR RECIPIENT MUST**
5 **TEST NEGATIVE FOR ILLEGAL USE OF A CONTROLLED SUBSTANCE IN ORDER TO**
6 **RECEIVE FAMILY INDEPENDENCE PROGRAM ASSISTANCE.**

7 (7) IF THE APPLICANT OR RECIPIENT TESTS POSITIVE FOR ILLEGAL USE
8 OF A CONTROLLED SUBSTANCE, HE OR SHE MAY CHOOSE TO PROCEED IN 1 OF THE
9 FOLLOWING WAYS:

10 (A) HE OR SHE WILL BE INELIGIBLE FOR FAMILY INDEPENDENCE PROGRAM
11 ASSISTANCE, BUT MAY REAPPLY AFTER 6 MONTHS, SUBJECT TO ANOTHER SUBSTANCE
12 ABUSE SCREENING AS REQUIRED IN THIS SECTION. THE APPLICANT OR RECIPIENT
13 MUST TEST NEGATIVE FOR ILLEGAL USE OF A CONTROLLED SUBSTANCE IN ORDER TO
14 RECEIVE FAMILY INDEPENDENCE PROGRAM ASSISTANCE.

15 (B) HE OR SHE SHALL ENROLL IN A SUBSTANCE ABUSE TREATMENT PROGRAM.
16 DURING PARTICIPATION IN THE SUBSTANCE ABUSE TREATMENT PROGRAM REQUIRED
UNDER THIS SUBDIVISION, THE APPLICANT OR RECIPIENT IS INELIGIBLE TO
RECEIVE FAMILY INDEPENDENCE PROGRAM ASSISTANCE. THE APPLICANT OR
RECIPIENT SHALL SIGN A RELEASE TO AUTHORIZE THE SUBSTANCE ABUSE TREATMENT
COUNSELOR TO COMMUNICATE WITH THE DEPARTMENT REGARDING THE APPLICANT'S OR
RECIPIENT'S PROGRESS IN THE SUBSTANCE ABUSE TREATMENT PROGRAM. AFTER 90
DAYS IN THE SUBSTANCE ABUSE TREATMENT PROGRAM, UPON APPROVAL FROM THE
DEPARTMENT, THE APPLICANT OR RECIPIENT MAY RETAKE THE SUBSTANCE ABUSE
TEST. IF HE OR SHE TESTS NEGATIVE FOR ILLEGAL USE OF A CONTROLLED
SUBSTANCE AND MEETS ALL OTHER ELIGIBILITY REQUIREMENTS, HE OR SHE IS
ELIGIBLE TO RECEIVE FAMILY INDEPENDENCE PROGRAM ASSISTANCE. IF, AFTER 90
DAYS, HE OR SHE IS NOT FOLLOWING THE TREATMENT PLAN, HE OR SHE MAY NOT
RETAKE THE SUBSTANCE ABUSE TEST FOR 6 MONTHS. IF, AT ANY TIME AFTER
PARTICIPATING IN THE SUBSTANCE ABUSE TREATMENT PROGRAM, THE APPLICANT OR
RECIPIENT TESTS POSITIVE FOR ILLEGAL USE OF A CONTROLLED SUBSTANCE, HE OR
SHE REMAINS INELIGIBLE TO RECEIVE FAMILY INDEPENDENCE PROGRAM ASSISTANCE
AND WILL NOT BE ALLOWED TO REAPPLY AND RETAKE A SUBSTANCE ABUSE TEST FOR
FAMILY INDEPENDENCE PROGRAM ASSISTANCE FOR 12 MONTHS.]

9 (8) IF AN APPLICANT TESTS NEGATIVE FOR ILLEGAL USE OF A
10 CONTROLLED SUBSTANCE AND MEETS ALL THE OTHER ELIGIBILITY
11 REQUIREMENTS FOR THE FAMILY INDEPENDENCE PROGRAM, THE COST OF
12 ADMINISTERING THE SUBSTANCE ABUSE TEST TO THE APPLICANT SHALL BE
13 DEDUCTED FROM HIS OR HER FIRST FAMILY INDEPENDENCE PROGRAM
14 ASSISTANCE PAYMENT. IF A RECIPIENT TESTS NEGATIVE FOR ILLEGAL USE
15 OF A CONTROLLED SUBSTANCE AND MEETS ALL THE OTHER ELIGIBILITY
16 REQUIREMENTS FOR THE FAMILY INDEPENDENCE PROGRAM AT AN ANNUAL

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REDETERMINATION BY THE DEPARTMENT, THE COST OF ADMINISTERING THE
SUBSTANCE ABUSE TEST TO THE RECIPIENT SHALL BE DEDUCTED FROM HIS OR
HER FIRST FAMILY INDEPENDENCE PROGRAM ASSISTANCE PAYMENT AFTER THE
ANNUAL REDETERMINATION.

(9) IF, UPON REAPPLYING FOR FAMILY INDEPENDENCE PROGRAM
ASSISTANCE, AN APPLICANT OR RECIPIENT WHO PREVIOUSLY TESTED
POSITIVE AS DESCRIBED IN SUBSECTION (7) TESTS POSITIVE AGAIN OR
REFUSES TO TAKE A SUBSEQUENT SUBSTANCE ABUSE TEST, THE APPLICANT OR
RECIPIENT IS INELIGIBLE FOR FAMILY INDEPENDENCE PROGRAM BENEFITS
FOR 12 MONTHS.

[(10) BEFORE IMPLEMENTING THE PROVISIONS OF SUBSECTIONS (3) AND
(4), AND ANNUALLY AFTER THE PROGRAM HAS BEEN FULLY IMPLEMENTED, THE
DEPARTMENT SHALL SUBMIT A REPORT TO THE LEGISLATURE THAT INCLUDES, AT
LEAST, ALL OF THE FOLLOWING:

(A) THE NUMBER OF INDIVIDUALS SCREENED.

(B) THE NUMBER OF INDIVIDUALS SCREENED FOR WHOM THERE WAS A
REASONABLE SUSPICION OF ILLEGAL USE OF A CONTROLLED SUBSTANCE.

(C) THE NUMBER OF INDIVIDUALS WHO CONSENTED TO SUBMITTING TO A
SUBSTANCE ABUSE TEST.

(D) THE NUMBER OF INDIVIDUALS WHO REFUSED TO SUBMIT TO A SUBSTANCE
ABUSE TEST.

(E) THE NUMBER OF INDIVIDUALS WHO SUBMITTED TO A SUBSTANCE ABUSE
TEST WHO TESTED POSITIVE FOR ILLEGAL USE OF A CONTROLLED SUBSTANCE.

(F) THE NUMBER OF INDIVIDUALS WHO SUBMITTED TO A SUBSTANCE ABUSE
TEST WHO TESTED NEGATIVE FOR ILLEGAL USE OF A CONTROLLED SUBSTANCE.

(G) THE NUMBER OF INDIVIDUALS WHO TESTED POSITIVE FOR ILLEGAL USE
OF A CONTROLLED SUBSTANCE FOR A SECOND OR SUBSEQUENT TIME.

(H) THE AMOUNT OF THE COSTS INCURRED BY THE DEPARTMENT FOR
ADMINISTERING THE PROGRAM.

(11) ALL INFORMATION, INTERVIEWS, REPORTS, STATEMENTS, MEMORANDA,
AND SUBSTANCE ABUSE TEST RESULTS, WRITTEN OR OTHERWISE, RECEIVED BY THE
DEPARTMENT THROUGH A SUBSTANCE ABUSE SCREENING OR TESTING PROGRAM
REQUIRED UNDER THIS SECTION ARE CONFIDENTIAL COMMUNICATIONS SUBJECT TO
THE PRIVACY PROTECTIONS UNDER THE HEALTH INSURANCE PORTABILITY AND
ACCOUNTABILITY ACT OF 1996, PUBLIC LAW 104-191, AND MAY NOT BE USED OR
RECEIVED IN EVIDENCE, OBTAINED IN DISCOVERY OR DISCLOSED IN ANY PUBLIC OR
PRIVATE PROCEEDINGS, EXCEPT IN ACCORDANCE WITH THIS SECTION OR IN
DETERMINING ELIGIBILITY UNDER THIS ACT.

(12)] FOR THE PURPOSES OF THIS SECTION ONLY, AN APPLICANT OR

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1 RECIPIENT IS AN INDIVIDUAL WHO IS 18 YEARS OF AGE OR OLDER.

2 [(13)] AS USED IN THIS SECTION, "CONTROLLED SUBSTANCE" MEANS
3 THAT TERM AS DEFINED IN SECTION 7104 OF THE PUBLIC HEALTH CODE,
4 1978 PA 368, MCL 333.7104.