

HOUSE BILL No. 5734

June 13, 2012, Introduced by Rep. Kurtz and referred to the Committee on Families,
Children, and Seniors.

A bill to amend 1939 PA 280, entitled
"The social welfare act,"
by amending section 55 (MCL 400.55), as amended by 1998 PA 516.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 55. The county department shall administer a public
2 welfare program, as follows:

3 (a) To grant general assistance, including medical care as
4 defined in this section and care in the county medical care
5 facility, but not including hospitalization and infirmary care
6 except for care in the county medical care facility or a county
7 infirmary existing on January 1, 1981, to any person domiciled in
8 the county who has a legal settlement in this state. General
9 assistance may also be granted to a person who has a legal
10 settlement in this state but no domicile in the county and a
11 recoupment may be made when appropriate in the manner provided in

1 cases of emergency hospitalization under this act. In a temporary
2 emergency, general assistance may be given to indigents without a
3 settlement in this state as the county department considers
4 necessary, including, if other funds are not available for the
5 purpose, all necessary expenses in transporting an indigent to his
6 or her domicile in this state, or in another state or nation, when
7 information reasonably tends to show that the person has a home
8 available in his or her place of domicile in this state or a legal
9 residence in another state or nation. A legal settlement in this
10 state is acquired by an emancipated person who has lived
11 continuously in this state for 1 year with the intent to make it
12 his or her home and who, during the 1-year period has not received
13 public assistance, other than assistance received during and as a
14 direct result of a civil defense emergency, or support from
15 relatives. Time spent in a public institution ~~shall~~ **IS** not be
16 counted in determining settlement. A legal settlement ~~shall be~~ **IS**
17 lost by remaining away from this state for an uninterrupted period
18 of 1 year except that absence from this state for labor or other
19 special or temporary purpose ~~shall not occasion~~ **DOES NOT CAUSE** loss
20 of settlement.

21 (b) To administer categorical assistance including medical
22 care.

23 (c) To supervise and be responsible for the operation of the
24 county infirmary and county medical care facility. In a county
25 having a population of 1,000,000 or more ~~which~~ **THAT** maintains a
26 county infirmary or county hospital or a joint infirmary and
27 hospital providing for mental patients, the institution and the

1 admissions to the institution ~~shall be~~ **ARE** subject to the control
2 of ~~a board to be known as~~ the board of county institutions. The
3 board shall consist of 5 members appointed by the county board of
4 commissioners, except that in a county having a board of county
5 auditors, 3 members of the board of county institutions shall be
6 appointed by the county board of commissioners and 2 members shall
7 be appointed by the board of county auditors. Each member of the
8 board shall hold office for a term and receive compensation as the
9 county board of commissioners provides by ordinance. In relation to
10 the administration of the institutions the board ~~shall have~~ **HAS** and
11 ~~succeed~~ **SUCCEEDS** to all powers and duties formerly vested by law,
12 general, local or special, in the superintendents of the poor in
13 the county and the board of county institutions as constituted on
14 April 13, 1943. The board of county institutions of the county may
15 also maintain outpatient facilities for the treatment of needy
16 persons suffering from mental disorders. The board ~~shall also have~~
17 **HAS** the same powers as are given to the county board in section 78.

18 (d) To furnish in all cases, ~~insofar as~~ practicable, care and
19 treatment ~~which~~ **THAT** will tend to restore needy persons to a
20 condition of financial and social independence.

21 (e) To require that each applicant ~~shall~~ furnish proof
22 satisfactory to the county board that the applicant is entitled to
23 the aid, assistance, or benefit sought.

24 (f) To investigate, in respect to each application for any
25 form of public aid or assistance, the circumstances of the
26 applicant, both at the time of application and periodically during
27 the receipt of aid or assistance.

1 (g) To maintain adequate social and financial records
2 pertaining to each recipient of aid or assistance and so far as is
3 practicable engage in the prevention of social disabilities.

4 (h) Except as otherwise provided in this subdivision, to
5 investigate, when requested by the probate court or the family
6 division of circuit court, matters pertaining to dependent,
7 neglected, and delinquent children and wayward minors under the
8 court's jurisdiction, to provide supervision and foster care as
9 provided by court order, and to furnish the court, on request,
10 investigational service in respect to the hospitalization of
11 children under the program of services for crippled children
12 established under part 58 of the public health code, 1978 PA 368,
13 MCL 333.5801 to 333.5879, which services shall include the follow-
14 up investigation and continuing observations. If the county is a
15 county juvenile agency as defined in section 2 of the county
16 juvenile agency act, **1998 PA 518, MCL 45.622**, the county
17 department's obligations under this subdivision are limited to
18 public wards within the county's jurisdiction under the youth
19 rehabilitation services act, 1974 PA 150, MCL 803.301 to 803.309,
20 and county juvenile agency services as defined in section 117a.

21 (i) To assist other departments, agencies, and institutions of
22 the federal, state, and county governments, when so requested, in
23 performing services in conformity with the purposes of this act.

24 (j) To assist in the development of sound programs and
25 standards of child welfare, and promote programs and policies
26 looking toward the prevention of dependency, neglect, and
27 delinquency and other conditions affecting adversely the welfare of

1 families and children.

2 (k) To create within the county department a division of
3 medical care. The county board may appoint a properly qualified and
4 licensed doctor of medicine as the head of the division and an
5 advisory committee. The advisory committee shall consist of 1
6 doctor of medicine, nominated by the county medical society; 1
7 dentist, nominated by the district dental society; and 1
8 pharmacist, nominated by the district pharmaceutical association,
9 to assist in formulating policies of medical care and auditing and
10 reviewing bills. "Medical care" as used in this act means medical
11 care rendered under the supervision of a licensed physician in an
12 organized out-patient department of a hospital licensed by the
13 department of ~~public~~**COMMUNITY** health under article 17 of the
14 public health code, 1978 PA 368, MCL 333.20101 to 333.22260, or
15 home and office attendance by a physician, osteopathic physician
16 and surgeon, or podiatrist licensed under article 15 of the public
17 health code, 1978 PA 368, MCL 333.16101 to 333.18838; and when
18 prescribed by the physician, osteopathic physician and surgeon, or
19 podiatrist, diagnostic services requiring the use of equipment not
20 available in his or her offices, if the services do not require
21 overnight care, dental service, optometric service, bedside nursing
22 service in the home, or pharmaceutical service. The private
23 physician-patient relationship shall be maintained. The normal
24 relationships between the recipients of dental, optometric,
25 nursing, and pharmaceutical services, and the services furnished by
26 a physician, osteopathic physician and surgeon, podiatrist, or a
27 chiropractor licensed under article 15 of the public health code,

1 1978 PA 368, MCL 333.16101 to 333.18838, and the persons furnishing
2 these services shall be maintained. This section ~~shall~~**DOES** not
3 affect the office of a city physician or city pharmacist
4 established under a city charter, a county health officer, or the
5 medical superintendent of a county hospital. This section ~~shall~~
6 ~~permit~~**PERMITS** the use of a case management system, a patient care
7 management system, or other alternative system for providing
8 medical care.

9 ~~(l) To cause to be suitably buried the body of a deceased~~
10 ~~indigent person who has a domicile in the county, when requested by~~
11 ~~the person's relative or friend, or of a stranger, when requested~~
12 ~~by a public official following an inquest.~~**TO SUITABLY DISPOSE OF**
13 **THE BODY OF AN INDIGENT PERSON FOUND WITHIN THE COUNTY IF THE BODY**
14 **HAS NOT BEEN CLAIMED BY A PERSON HAVING THE RIGHT TO CONTROL THE**
15 **DISPOSITION OF THE BODY. THE COUNTY DEPARTMENT SHALL NOT PROVIDE OR**
16 **CONTRIBUTE TO THE FUNERAL, BURIAL, OR CREMATION EXPENSES OF A**
17 **DECEASED INDIGENT PERSON WHOSE BODY IS CLAIMED BY A PERSON HAVING**
18 **THE RIGHT TO CONTROL THE DISPOSITION OF THE BODY.**

19 (m) To administer additional welfare functions as are vested
20 in the department, including hospitalization.

21 (n) To act as an agent for the state department in matters
22 requested by the state department under the rules of the state
23 department.

24 ~~—— (o) To provide temporary general assistance for each family~~
25 ~~found ineligible for aid to dependent children assistance by reason~~
26 ~~of unsuitable family home as provided in section 56.~~