

HOUSE BILL No. 5356

February 11, 2016, Introduced by Reps. Zemke, Crawford, Hughes, Glardon, Lucido, Geiss and Callton and referred to the Committee on Education.

A bill to amend 1939 PA 280, entitled
"The social welfare act,"
by amending section 109 (MCL 400.109), as amended by 2012 PA 48.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 109. (1) The following medical services may be provided
2 under this act:

3 (a) Hospital services that an eligible individual may receive
4 consist of medical, surgical, or obstetrical care, together with
5 necessary drugs, X-rays, physical therapy, prosthesis,
6 transportation, and nursing care incident to the medical, surgical,
7 or obstetrical care. The period of inpatient hospital service shall
8 be the minimum period necessary in this type of facility for the

1 proper care and treatment of the individual. Necessary
2 hospitalization to provide dental care shall be provided if
3 certified by the attending dentist with the approval of the
4 department. ~~of community health.~~ An individual who is receiving
5 medical treatment as an inpatient because of a diagnosis of
6 tuberculosis or mental disease may receive service under this
7 section, notwithstanding the mental health code, 1974 PA 258, MCL
8 330.1001 to 330.2106, and 1925 PA 177, MCL 332.151 to 332.164. The
9 department ~~of community health~~ shall pay for hospital services
10 according to the state plan for medical assistance adopted under
11 section 10 and approved by the United States ~~department of health~~
12 ~~and human services.~~ **DEPARTMENT OF HEALTH AND HUMAN SERVICES.**

13 (b) An eligible individual may receive physician services
14 authorized by the department. ~~of community health.~~ The service may
15 be furnished in the physician's office, the eligible individual's
16 home, a medical institution, or elsewhere in case of emergency. A
17 physician shall be paid a reasonable charge for the service
18 rendered. Reasonable charges shall be determined by the department
19 ~~of community health~~ and shall not be more than those paid in this
20 state for services rendered under title XVIII.

21 (c) An eligible individual may receive nursing home services
22 in a state licensed nursing home, a medical care facility, or other
23 facility or identifiable unit of that facility, certified by the
24 appropriate authority as meeting established standards for a
25 nursing home under the laws and rules of this state and the United
26 States ~~department of health and human services,~~ **DEPARTMENT OF**
27 **HEALTH AND HUMAN SERVICES,** to the extent found necessary by the

1 attending physician, dentist, or certified Christian Science
2 practitioner. An eligible individual may receive nursing services
3 in an extended care services program established under section
4 22210 of the public health code, 1978 PA 368, MCL 333.22210, to the
5 extent found necessary by the attending physician when the combined
6 length of stay in the acute care bed and short-term nursing care
7 bed exceeds the average length of stay for ~~medicaid~~ **MEDICAID**
8 hospital diagnostic related group reimbursement. The department ~~of~~
9 ~~community health~~ shall not make a final payment under title XIX for
10 benefits available under title XVIII without documentation that
11 title XVIII claims have been filed and denied. The department ~~of~~
12 ~~community health~~ shall pay for nursing home services according to
13 the state plan for medical assistance adopted according to section
14 10 and approved by the United States ~~department of health and human~~
15 ~~services~~ **DEPARTMENT OF HEALTH AND HUMAN SERVICES**. A county shall
16 reimburse a county maintenance of effort rate determined on an
17 annual basis for each patient day of ~~medicaid~~ **MEDICAID** nursing home
18 services provided to eligible individuals in long-term care
19 facilities owned by the county and licensed to provide nursing home
20 services. For purposes of determining rates and costs described in
21 this subdivision, all of the following apply:

22 (i) For county owned facilities with per patient day updated
23 variable costs exceeding the variable cost limit for the county
24 facility, county maintenance of effort rate means 45% of the
25 difference between per patient day updated variable cost and the
26 concomitant nursing home-class variable cost limit, the quantity
27 offset by the difference between per patient day updated variable

1 cost and the concomitant variable cost limit for the county
2 facility. The county rate shall not be less than zero.

3 (ii) For county owned facilities with per patient day updated
4 variable costs not exceeding the variable cost limit for the county
5 facility, county maintenance of effort rate means 45% of the
6 difference between per patient day updated variable cost and the
7 concomitant nursing home class variable cost limit.

8 (iii) For county owned facilities with per patient day updated
9 variable costs not exceeding the concomitant nursing home class
10 variable cost limit, the county maintenance of effort rate shall
11 equal zero.

12 (iv) For the purposes of this section: "per patient day
13 updated variable costs and the variable cost limit for the county
14 facility" shall be determined according to the state plan for
15 medical assistance; for freestanding county facilities the "nursing
16 home class variable cost limit" shall be determined according to
17 the state plan for medical assistance and for hospital attached
18 county facilities the "nursing class variable cost limit" shall be
19 determined ~~pursuant~~ **ACCORDING** to the state plan for medical
20 assistance plus \$5.00 per patient day; and "freestanding" and
21 "hospital attached" shall be determined according to the federal
22 regulations.

23 (v) If the county maintenance of effort rate computed under
24 this section exceeds the county maintenance of effort rate in
25 effect as of September 30, 1984, the rate in effect as of September
26 30, 1984 shall remain in effect until a time that the rate computed
27 under this section is less than the September 30, 1984 rate. This

1 limitation remains in effect until December 31, 2017. For each
2 subsequent county fiscal year the maintenance of effort may not
3 increase by more than \$1.00 per patient day each year.

4 (vi) For county owned facilities, reimbursement for plant
5 costs will continue to be based on interest expense and
6 depreciation allowance unless otherwise provided by law.

7 (d) An eligible individual may receive pharmaceutical services
8 from a licensed pharmacist of the person's choice as prescribed by
9 a licensed physician or dentist and approved by the department. ~~of~~
10 ~~community health.~~ In an emergency, but not routinely, the
11 individual may receive pharmaceutical services rendered personally
12 by a licensed physician or dentist on the same basis as approved
13 for pharmacists.

14 (e) An eligible individual may receive other medical and
15 health services as authorized by the department. ~~of community~~
16 ~~health.~~

17 (f) Psychiatric care may also be provided according to the
18 guidelines established by the department ~~of community health~~ to the
19 extent of appropriations made available by the legislature for the
20 fiscal year.

21 (g) An eligible individual may receive screening, laboratory
22 services, diagnostic services, early intervention services, and
23 treatment for chronic kidney disease under guidelines established
24 by the department. ~~of community health.~~ A clinical laboratory
25 performing a creatinine test on an eligible individual under this
26 subdivision shall include in the lab report the glomerular
27 filtration rate (eGFR) of the individual and shall report it as a

1 percent of kidney function remaining.

2 **(H) AN ELIGIBLE SCHOOL-AGED CHILD MAY RECEIVE SERVICES**
 3 **REQUIRED UNDER SECTION 1176(3)(B) OF THE REVISED SCHOOL CODE, 1976**
 4 **PA 451, MCL 380.1176.**

5 (2) The director shall provide notice to the public, according
 6 to applicable federal regulations, and shall obtain the approval of
 7 the committees on appropriations of the house of representatives
 8 and senate of the legislature of this state, of a proposed change
 9 in the statewide method or level of reimbursement for a service, if
 10 the proposed change is expected to increase or decrease payments
 11 for that service by 1% or more during the 12 months after the
 12 effective date of the change.

13 (3) As used in this act:

14 (a) "Title XVIII" means title XVIII of the social security
 15 act, 42 USC 1395 to ~~1395kkk-1~~ **1395LLL**.

16 (b) "Title XIX" means title XIX of the social security act, 42
 17 USC 1396 to 1396w-5.

18 (c) "Title XX" means title XX of the social security act, 42
 19 USC 1397 to 1397m-5.

20 Enacting section 1. This amendatory act takes effect 90 days
 21 after the date it is enacted into law.

22 Enacting section 2. This amendatory act does not take effect
 23 unless all of the following bills of the 98th Legislature are
 24 enacted into law:

25 (a) Senate Bill No. _____ or House Bill No. 5307 (request no.
 26 03705'15).

27 (b) Senate Bill No. _____ or House Bill No. 5355 (request no.

1 03705'15 a).

2 (c) Senate Bill No.____ or House Bill No.____ (request no.

3 03731'15).