

Act No. 91  
Public Acts of 2015  
Approved by the Governor  
June 25, 2015  
Filed with the Secretary of State  
June 25, 2015  
EFFECTIVE DATE: June 25, 2015

**STATE OF MICHIGAN  
98TH LEGISLATURE  
REGULAR SESSION OF 2015**

Introduced by Rep. Schor

# **ENROLLED HOUSE BILL No. 4205**

AN ACT to amend 1978 PA 368, entitled “An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates,” by amending the heading of part 58 and sections 5801, 5805, 5815, 5817, 5821, 5823, 5825, 5828, 5831, 5835, 5841, 5843, 5847, 5863, 5871, 5874, 5879, and 17711 (MCL 333.5801, 333.5805, 333.5815, 333.5817, 333.5821, 333.5823, 333.5825, 333.5828, 333.5831, 333.5835, 333.5841, 333.5843, 333.5847, 333.5863, 333.5871, 333.5874, 333.5879, and 333.17711), section 5805 as amended by 1988 PA 236, section 5817 as amended by 1998 PA 88, and section 17711 as amended by 2014 PA 413; and to repeal acts and parts of acts.

*The People of the State of Michigan enact:*

## PART 58

### CHILDREN AND YOUTH WITH SPECIAL HEALTH CARE NEEDS

Sec. 5801. (1) As used in this part, “child or youth with special health care needs” or “child” means a single or married individual under 21 years of age whose activity is or may become so restricted by disease or specified medical condition as to reduce the individual’s normal capacity for education and self-support.

(2) In addition, article 1 contains general definitions and principles of construction applicable to all articles in this code and part 51 contains definitions applicable to this part.

Sec. 5805. (1) The department shall develop, extend, and improve services for the following purposes:

(a) To locate a child or youth with special health care needs reported to the department pursuant to section 5721.

(b) To provide medical, surgical, corrective, nutritional, and other services and care, including aftercare if necessary, and to provide facilities for diagnosing and hospitalizing a child or youth with special health care needs.

(c) To the extent possible, to prevent diseases and specified medical conditions that reduce an individual's normal capacity for education and self-support.

(2) The department shall refer a child reported to the department under section 5721 who is in need of services to the appropriate services inside or outside of the department.

(3) The department shall carry out the program established under section 5815 for the purposes of providing medical care and treatment to improve or maintain health and enhance the quality of life for children and youth with special health care needs.

Sec. 5815. The department shall establish and administer a program of services for children and youth with special health care needs and children who are suffering from conditions which lead to special health care needs because of disease or specified medical condition. In implementing this part, the department shall promulgate rules that do all of the following:

(a) Provide for the monitoring of the availability and quality of facilities, treatment centers, medical and surgical specialists, and other providers for children or youth with special health care needs.

(b) Implement section 5841.

Sec. 5817. The department shall do all of the following:

(a) Formulate and administer detailed policies to implement the program services stated in section 5805. The department shall include all of the following in the policies under this subdivision:

(i) Financial participation by this state.

(ii) Administration necessary for efficient operation of the policies.

(iii) Maintenance of records and preparation of reports of services rendered.

(iv) Cooperation with health and human services organizations and with any agency of this state charged with the administration of laws providing for vocational rehabilitation and special education of children and youth with special health care needs.

(b) Expend in accordance with the policies and money made available to this state by the federal government for those purposes.

(c) Develop systems of care that are community based, comprehensive, culturally competent, coordinated, and family centered.

(d) Cooperate with the federal government, under title V of the social security act, 42 USC 701 to 713, through its appropriate agency or instrumentality, in developing, extending, and improving services, provided by this part and in the administration of the policies.

Sec. 5821. (1) The department shall provide for diagnostic clinics for children and youth with special health care needs in places, at times, and under circumstances it determines. The department may purchase diagnostic services from outpatient departments of approved hospitals and other facilities.

(2) The department shall make results of examinations at clinics available to parents and individuals and agencies providing services to children and youth with special health care needs, unless otherwise prohibited by law.

Sec. 5823. If a child or youth with special health care needs is identified, a person authorized by rule may apply to the department for eligibility for services under this part. The department shall investigate and secure medical evidence as to the condition of the child.

Sec. 5825. Upon completion of the medical investigation under section 5823, the department shall promptly make a determination of medical eligibility. If the department determines that the child or youth with special health care needs is medically eligible for services under this part, the department shall perform a financial assessment to determine cost sharing responsibilities. The department shall authorize the transportation of an eligible child or youth with special health care needs to a provider of services approved and designated by the department. In consultation with the family, the department may facilitate transfer of a child or youth with special health care needs to a provider for treatment better adapted to the child's needs. In making referrals under this part the department shall not discriminate against health professionals qualified to render care.

Sec. 5828. The administrator of a hospital shall provide a bed in the hospital to which a child or youth with special health care needs is assigned for operation or treatment, or both, of the child's disease or specified medical condition. The physician or surgeon approved by the department shall proceed as promptly as necessary to perform or give a necessary operation or treatment.

Sec. 5831. (1) An approved hospital receiving a child or youth with special health care needs shall send to the department a written report on a form furnished by the department that contains the date of admission and discharge, the names of approved physicians and surgeons, and other information the department requires.

(2) The time for making the report under subsection (1) must conform to applicable state and federal requirements.

Sec. 5835. (1) Upon receiving the parent's consent, an approved hospital shall arrange with the local school district in which a child resides to provide or contract for educational services for the hospitalized child.

(2) Courses of study, attendance record systems, adequacy of methods of instruction, qualifications of teachers and conditions under which they are employed, and purchases of necessary equipment for the instruction of a hospitalized child or youth with special health care needs must comply with requirements prescribed by the department of education.

(3) A hospital shall keep daily records on the regular child accounting forms used in the public schools, listing all children actually receiving instruction.

Sec. 5841. (1) All or part of the charges for the medical care and treatment of a child or youth with special health care needs must be paid to the department of treasury by the child, parent, or spouse, if that individual has the ability to pay. The payment must be in the amount and at a rate determined by agreement between the individual and the department. Upon treatment of the child or youth with special health care needs, the department shall furnish the department of treasury information required to keep a correct account of the money due this state from the child, parent, or spouse. The department of treasury shall credit the parent participation payments to the parent participation fund.

(2) The department may modify or cancel an agreement made under this section based on economic or other factors and shall report that action to the department of treasury.

(3) The department of treasury may accept and issue a receipt for an amount due under an agreement or modification to an agreement under this section.

Sec. 5843. This state is subrogated to the rights of recovery that a child, parent, spouse, or guardian may have against a liable third party for the cost of care and surgical and medical treatment provided to a child or youth with special health care needs under this part to the extent that the state has spent money for that care and treatment.

Sec. 5847. Payments made by this state under this part are not considered social services aid, and an individual is not considered an indigent because of his or her inability to pay for the care and treatment of a child or youth with special health care needs.

Sec. 5863. The department of treasury shall do all of the following:

(a) Receive money granted to this state by the federal government under this part.

(b) Receive payments as provided in section 5841 and keep that money in the parent participation fund.

(c) Disburse money from the funds on certification by the department.

Sec. 5871. (1) A department official, agent, or representative shall not enter a home or take charge of a child or youth with special health care needs over the objection of a parent, a guardian, a person in loco parentis, or the person that has custody of the child.

(2) This part does not limit the power of a parent, guardian, or person in loco parentis of the child to accept or refuse the services offered under this part for a child or youth with special health care needs or by an agency employed for that purpose.

Sec. 5874. Records regarding a child or youth with special health care needs are confidential to the extent required by state and federal statutes and rules. Part 26 applies to the disclosure of information regarding a child or youth with special health care needs under this part.

Sec. 5879. (1) A person who wilfully makes a false statement or wilfully gives false information for the purpose of securing aid under this part is guilty of a misdemeanor.

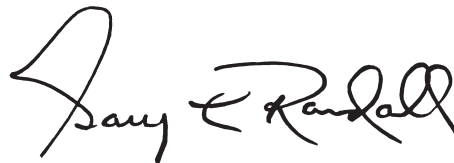
(2) An official of a hospital or a physician or dentist who bills this state for the care of a child or youth with special health care needs in accordance with the fee schedules established under this part and who also attempts to force a parent, relative, or guardian of the child to pay an additional sum for the care is guilty of a misdemeanor.

Sec. 17711. (1) An individual shall not engage in the practice of pharmacy unless licensed or otherwise authorized by this article. Beginning October 1, 2015, an individual shall not serve as a pharmacy technician unless licensed or otherwise authorized by this article.

(2) The following words, titles, or letters or a combination of words, titles, or letters, with or without qualifying words or phrases, are restricted in use only to those persons authorized under this part to use the terms and in a way prescribed in this part: “pharmacy”, “pharmacist”, “Pharm.D”, “doctor of pharmacy”, “pharmacy intern”, “pharmacy technician”, “licensed pharmacy technician”, “certified pharmacy technician”, “CPhT”, “apothecary”, “dispensary”, “drugstore”, “druggist”, “medicine store”, “prescriptions”, and “r.ph.”.

Enacting section 1. Section 5811 of the public health code, 1978 PA 368, MCL 333.5811, is repealed.

This act is ordered to take immediate effect.



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Clerk of the House of Representatives



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Secretary of the Senate

Approved .....

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Governor