

**STATE OF MICHIGAN
99TH LEGISLATURE
REGULAR SESSION OF 2018**

Introduced by Senators Hansen, MacGregor and Stamas

ENROLLED SENATE BILL No. 1039

AN ACT to amend 1939 PA 280, entitled "An act to protect the welfare of the people of this state; to provide general assistance, hospitalization, infirmary and medical care to poor or unfortunate persons; to provide for compliance by this state with the social security act; to provide protection, welfare and services to aged persons, dependent children, the blind, and the permanently and totally disabled; to administer programs and services for the prevention and treatment of delinquency, dependency and neglect of children; to create a state department of social services; to prescribe the powers and duties of the department; to provide for the interstate and intercounty transfer of dependents; to create county and district departments of social services; to create within certain county departments, bureaus of social aid and certain divisions and offices thereunder; to prescribe the powers and duties of the departments, bureaus and officers; to provide for appeals in certain cases; to prescribe the powers and duties of the state department with respect to county and district departments; to prescribe certain duties of certain other state departments, officers, and agencies; to make an appropriation; to prescribe penalties for the violation of the provisions of this act; and to repeal certain parts of this act on specific dates," (MCL 400.1 to 400.119b) by adding section 105g.

The People of the State of Michigan enact:

Sec. 105g. (1) Consistent with federal regulations, the standard of promptness for establishing medical assistance eligibility for individuals in nursing facilities shall be not more than 90 days for a disabled individual and not more than 45 days for a nondisabled individual. To ensure timely eligibility determination, the department shall do all of the following:

(a) Allocate to specific staff caseloads of nursing facility residents applying for medical assistance in order to ensure compliance with the standard of promptness. The staff allocated to receive caseloads of nursing facility residents applying for medical assistance may also receive caseloads for applications in settings other than nursing facilities.

(b) Collaborate with the nursing facility trade associations to provide periodic training on medical assistance eligibility processes and requirements.

(c) Beginning October 1, 2019, report quarterly to the nursing facility trade associations on compliance with the standard of promptness timelines for medical-assistance-eligible nursing facility residents. The report shall list compliance with the standard of promptness by county and identify measures necessary to meet that standard.

(2) Beginning October 1, 2019, for a nursing facility resident's annual eligibility redetermination, the department shall do all of the following:

(a) Implement an asset detection and verification process for a medical-assistance-eligible nursing facility resident.

(b) Provide to the recipient or his or her representative a prepopulated form reflecting the information from the most recent Medicaid application and allow the recipient or his or her representative to attest to the information on the prepopulated form to provide an accelerated redetermination process.

(c) Collaborate with the nursing facility trade associations to provide periodic training on medical assistance eligibility redeterminations.

(3) The department shall request, with the filing of the Medicaid cost report disclosure from the provider, the amount of debt incurred due to Medicaid divestment penalties. The department shall report annually the debt incurred by providers due to Medicaid divestment penalties to appropriate nursing facility stakeholders.

(4) The department shall make available an outstation worker to utilize to facilitate Medicaid eligibility determination to a nursing facility that requests an outstation worker.

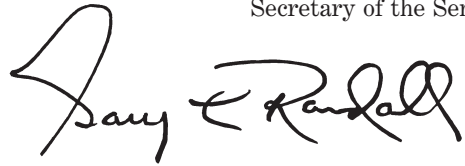
(5) If a recipient residing in a nursing facility has a court-ordered payment or garnishment, the department must automatically apply the court-ordered payment or garnishment before determining the patient-pay amount.

Enacting section 1. This amendatory act takes effect 180 days after the date it is enacted into law.

This act is ordered to take immediate effect.



Secretary of the Senate



Clerk of the House of Representatives

Approved

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Governor