

SENATE BILL No. 289

March 30, 2017, Introduced by Senator ROBERTSON and referred to the Committee on Health Policy.

A bill to amend 1939 PA 280, entitled
"The social welfare act,"
by amending section 109 (MCL 400.109), as amended by 2016 PA 551.

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
9 proper care and treatment of the individual. Necessary
10 hospitalization to provide dental care shall be provided if
11 certified by the attending dentist with the approval of the

1 department. An individual who is receiving medical treatment as an
2 inpatient because of a diagnosis of tuberculosis or mental disease
3 may receive service under this section, notwithstanding the mental
4 health code, 1974 PA 258, MCL 330.1001 to 330.2106, and 1925 PA
5 177, MCL 332.151 to 332.164. The department shall pay for hospital
6 services according to the state plan for medical assistance adopted
7 under section 10 and approved by the United States Department of
8 Health and Human Services.

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

17 (c) An eligible individual may receive nursing home services
18 in a state licensed nursing home, a medical care facility, or other
19 facility or identifiable unit of that facility, certified by the
20 appropriate authority as meeting established standards for a
21 nursing home under the laws and rules of this state and the United
22 States Department of Health and Human Services, to the extent found
23 necessary by the attending physician, dentist, or certified
24 Christian Science practitioner. An eligible individual may receive
25 nursing services in an extended care services program established
26 under section 22210 of the public health code, 1978 PA 368, MCL
27 333.22210, to the extent found necessary by the attending physician

1 when the combined length of stay in the acute care bed and short-
2 term nursing care bed exceeds the average length of stay for
3 Medicaid hospital diagnostic related group reimbursement. The
4 department shall not make a final payment under title XIX for
5 benefits available under title XVIII without documentation that
6 title XVIII claims have been filed and denied. The department shall
7 pay for nursing home services according to the state plan for
8 medical assistance adopted according to section 10 and approved by
9 the United States Department of Health and Human Services. A county
10 shall reimburse a county maintenance of effort rate determined on
11 an annual basis for each patient day of Medicaid nursing home
12 services provided to eligible individuals in long-term care
13 facilities owned by the county and licensed to provide nursing home
14 services. For purposes of determining rates and costs described in
15 this subdivision, all of the following apply:

16 (i) For ~~county owned~~ **COUNTY-OWNED** facilities with per patient
17 day updated variable costs exceeding the variable cost limit for
18 the county facility, county maintenance of effort rate means 45% of
19 the difference between per patient day updated variable cost and
20 the concomitant nursing home-class variable cost limit, the
21 quantity offset by the difference between per patient day updated
22 variable cost and the concomitant variable cost limit for the
23 county facility. The county rate shall not be less than zero.

24 (ii) For ~~county owned~~ **COUNTY-OWNED** facilities with per patient
25 day updated variable costs not exceeding the variable cost limit
26 for the county facility, county maintenance of effort rate means
27 45% of the difference between per patient day updated variable cost

1 and the concomitant nursing home class variable cost limit.

2 (iii) For ~~county owned~~ **COUNTY-OWNED** facilities with per
3 patient day updated variable costs not exceeding the concomitant
4 nursing home class variable cost limit, the county maintenance of
5 effort rate shall equal zero.

6 (iv) For the purposes of this section: "per patient day
7 updated variable costs and the variable cost limit for the county
8 facility" shall be determined according to the state plan for
9 medical assistance; for freestanding county facilities the "nursing
10 home class variable cost limit" shall be determined according to
11 the state plan for medical assistance and for hospital attached
12 county facilities the "nursing class variable cost limit" shall be
13 determined according to the state plan for medical assistance plus
14 \$5.00 per patient day; and "freestanding" and "hospital attached"
15 shall be determined according to the federal regulations.

16 (v) If the county maintenance of effort rate computed under
17 this section exceeds the county maintenance of effort rate in
18 effect as of September 30, 1984, the rate in effect as of September
19 30, 1984 shall remain in effect until a time that the rate computed
20 under this section is less than the September 30, 1984 rate. This
21 limitation remains in effect until December 31, 2022. For each
22 subsequent county fiscal year, the maintenance of effort **RATE** may
23 not increase by more than \$1.00 per patient day each year.

24 (vi) For ~~county owned~~ **COUNTY-OWNED** facilities, reimbursement
25 for plant costs will continue to be based on interest expense and
26 depreciation allowance unless otherwise provided by law.

27 (d) An eligible individual may receive pharmaceutical services

1 from a licensed pharmacist of the person's choice as prescribed by
2 a licensed physician or dentist and approved by the department. In
3 an emergency, but not routinely, the individual may receive
4 pharmaceutical services rendered personally by a licensed physician
5 or dentist on the same basis as approved for pharmacists.

6 (e) An eligible individual may receive other medical and
7 health services as authorized by the department.

8 (f) Psychiatric care may also be provided according to the
9 guidelines established by the department to the extent of
10 appropriations made available by the legislature for the fiscal
11 year.

12 (g) An eligible individual may receive screening, laboratory
13 services, diagnostic services, early intervention services, and
14 treatment for chronic kidney disease under guidelines established
15 by the department. A clinical laboratory performing a creatinine
16 test on an eligible individual under this subdivision shall include
17 in the lab report the glomerular filtration rate (eGFR) of the
18 individual and shall report it as a ~~percent~~**PERCENTAGE** of kidney
19 function remaining.

20 **(H) SERVICES PROVIDED BY A COMMUNITY PARAMEDIC CERTIFIED UNDER**
21 **SECTIONS 17039 AND 17539 OF THE PUBLIC HEALTH CODE, 1978 PA 368,**
22 **MCL 333.17039 AND 333.17539.**

23 (2) The director shall provide notice to the public, according
24 to applicable federal regulations, and shall obtain the approval of
25 the committees on appropriations of the house of representatives
26 and senate of the legislature of this state, of a proposed change
27 in the statewide method or level of reimbursement for a service, if

1 the proposed change is expected to increase or decrease payments
2 for that service by 1% or more during the 12 months after the
3 effective date of the change.

4 (3) As used in this act:

5 (a) "Title XVIII" means title XVIII of the social security
6 act, 42 USC 1395 to 1395///.

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

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

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

13 Enacting section 2. This amendatory act does not take effect
14 unless Senate Bill No. 288

15 of the 99th Legislature is enacted into law.