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House Bill 5165 (as reported without amendment)
Sponsor: Representative Mary Whiteford
House Committee: Health Policy
Senate Committee: Health Policy

CONTENT

The bill would amend the Mental Health Code to modify provisions prescribing how the Department of Health and Human Services (DHHS) and community mental health services programs (CMHSPs) must determine an adult responsible party's ability to pay for certain adult inpatient psychiatric services and all services to minors.

Under Section 818 of the Code, the DHHS and CMHSPs must determine an adult responsible party's ability to pay for adult inpatient psychiatric services of less than 61 days, all nonresidential services, and all services to minors in accordance with certain requirements prescribed in the Code. The DHHS must promulgate rules to establish an ability-to-pay schedule that is fair and equitable. The schedule may take into consideration geographic cost-of-living differences. The DHHS must review the ability-to-pay schedule at least every three years and update it as necessary. The bill would delete these provisions.

Instead, under the bill, the DHHS and CMHSPs would have to determine an adult responsible party's ability to pay for adult inpatient psychiatric services of less than 61 days, all nonresidential services, and all services to minors in accordance with the requirements of the Federal sliding fee discount program under 42 USC 254g and related guidance. Eligibility for the sliding fee discount program would have to be based solely on family size and income in accordance with the most current Federal poverty guidelines published annually in the Federal Register by the United States Department of Health and Human Services under its authority to revise the poverty line.

The bill would be effective immediately. Beginning on the bill's effective date, any administrative rules promulgated under Section 818 before that date would be unenforceable. The Department would have to rescind any administrative rule promulgated under Section 818 before the bill's effective date. The Department could promulgate new administrative rules or establish policy, contract requirements, or guidance to carry out Section 818.

MCL 330.1818

Legislative Analyst: Stephen P. Jackson

FISCAL IMPACT

This bill would have a minor positive fiscal impact on State and local government. The DHHS indicates that the bill would align the "ability to pay" scale specified in the Code with Federal sliding fee scale requirements. This would allow CMHSPs to comply with and access Federal workforce recruitment programs. To the extent that the bill would encourage additional investment in workforce retention programs, State and local governments would be able to partially offset investment costs with Federal dollars.

Date Completed: 3-25-22

Fiscal Analyst: Elynn Ackerman

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Bill Analysis @ www.senate.michigan.gov/sfa

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