

SENATE BILL No. 1039

May 30, 2018, Introduced by Senators HANSEN, MACGREGOR and STAMAS and referred to the Committee on Oversight.

A bill to amend 1939 PA 280, entitled
"The social welfare act,"
(MCL 400.1 to 400.119b) by adding section 105g.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 105G. (1) FOR AN INDIVIDUAL IN A NURSING FACILITY
2 APPLYING FOR MEDICAL ASSISTANCE UNDER THIS ACT, IF THE DEPARTMENT
3 HAS NOT COMPLETED ITS ELIGIBILITY DETERMINATION WITHIN 45 DAYS OF
4 RECEIVING A COMPLETED APPLICATION, THAT INDIVIDUAL SHALL BE
5 AFFORDED PRESUMPTIVE ELIGIBILITY IN THE MEDICAL ASSISTANCE PROGRAM.

6 (2) WHEN THE DEPARTMENT PERFORMS AN ELIGIBILITY
7 REDETERMINATION FOR A MEDICAL ASSISTANCE RECIPIENT WHO HAS RESIDED
8 IN A NURSING FACILITY FOR AT LEAST 180 DAYS IN THE PAST 12 MONTHS,
9 THE DEPARTMENT SHALL ALLOW THE RECIPIENT OR HIS OR HER

1 REPRESENTATIVE TO ATTEST TO ANY CHANGE IN ASSETS OR INCOME TO
2 PROVIDE AN ACCELERATED REDETERMINATION PROCESS.

3 (3) WHEN THE DEPARTMENT DETERMINES THAT A DIVESTMENT PENALTY
4 PERIOD IS APPROPRIATE FOR A RECIPIENT RESIDING IN A NURSING
5 FACILITY, IF THE NURSING FACILITY WAS NOT AWARE OF THE DIVESTMENT
6 PENALTY, THE DEPARTMENT SHALL CONTINUE TO PAY THE NURSING FACILITY
7 THE FULL MEDICAID PER DIEM RATE DURING THE DIVESTMENT PENALTY
8 PERIOD AND SHALL COLLECT THE MONEY PAID DURING THE DIVESTMENT
9 PENALTY PERIOD DIRECTLY FROM THE RECIPIENT.

10 (4) THE DEPARTMENT SHALL MAKE AVAILABLE AN OUTSTATION WORKER
11 TO UTILIZE TO FACILITATE MEDICAID ELIGIBILITY DETERMINATION TO A
12 NURSING FACILITY THAT REQUESTS AN OUTSTATION WORKER.

13 (5) IF A RECIPIENT RESIDING IN A NURSING FACILITY HAS A COURT-
14 ORDERED PAYMENT OR GARNISHMENT, THE DEPARTMENT MUST AUTOMATICALLY
15 APPLY THE COURT-ORDERED PAYMENT OR GARNISHMENT BEFORE DETERMINING
16 THE PATIENT-PAY AMOUNT.

17 (6) THE DEPARTMENT SHALL HOLD A NURSING FACILITY HARMLESS FOR
18 RESOURCES HELD IN A TRUST SOLELY FOR THE BENEFIT OF THE RECIPIENT'S
19 SPOUSE IF THE NURSING FACILITY WAS UNAWARE OF THE SOLELY FOR THE
20 BENEFIT TRUST.

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