

SENATE BILL NO. 569

June 24, 2021, Introduced by Senator ZORN and referred to the Committee on Health Policy and Human Services.

A bill to amend 1939 PA 280, entitled
"The social welfare act,"
by amending sections 14, 45, 55, and 58 (MCL 400.14, 400.45,
400.55, and 400.58), section 14 as amended by 1987 PA 266, section
45 as amended by 1995 PA 223, section 55 as amended by 2015 PA 90,
and section 58 as amended by 2006 PA 200.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 14. (1) The state department has all of the following
2 additional powers and duties:

(a) To allocate and distribute to the county and district departments, ~~of social services,~~ as provided in section 18, and in accordance with the rules promulgated by the director, money appropriated by the legislature or received from the federal government for the relief of destitution or unemployment within ~~the~~ **this** state, or a political subdivision of the state.

(b) To distribute, as provided in this act, subject to federal rules and regulations, and in accordance with the rules promulgated by the director, money appropriated by the legislature or received from the federal government for the granting of ~~aid to dependent children~~ **temporary assistance to needy families** and supplemental security income; for medical, dental, optometric, nursing, pharmaceutical, and burial relief; for services furnished by professions under the public health code, ~~Act No. 368 of the Public Acts of 1978, as amended, being sections 333.1101 to 333.25211 of the Michigan Compiled Laws;~~ **1978 PA 368, MCL 333.1101 to 333.25211;** and for other relief or welfare services provided by law.

(c) To operate a ~~day~~ **child** care program in rural and urban areas and assist in the development of sound programs and standards for ~~day~~ **child** care by public organizations throughout the state. If the director, commissioner, or those officials responsible for enforcing a state or local building code determine that a dwelling unit fails to meet the standards of that code through fault of the landlord, the department may refuse to pay public assistance grants authorized under this act for payment of rent on the dwelling unit. A written notice of the refusal, stating the grounds for the refusal and listing the defects to be corrected, ~~shall~~ **must** be mailed immediately to the landlord by certified mail. During the period of refusal, the landlord may bring an action against the

department in the nature of quo warranto, but may not maintain an action for the rent or possession of the premises. If the defects have been corrected or if the department's refusal to pay is determined by a court of competent jurisdiction to be wrongful, the department shall pay the rent that is owed, but not more than the amount of the grants withheld.

(d) ~~(g)~~ To assist other departments, agencies, and institutions of the federal and state governments, when ~~so~~ requested, in performing services in conformity with the purposes of this act. The director shall act as certifying agent for federal departments or agencies in determining eligibility of applicants for aid or service rendered by those departments or agencies. The rules of the state departments under this subsection ~~shall be~~ **are** binding upon the county departments. ~~of social services.~~

(e) ~~(h)~~ To collect and compile statistics, make special fact-finding studies, and publish reports in reference to the field of welfare, including a biennial report as provided in section 17.

(f) ~~(i)~~ To arbitrate and decide disputed or contested claims between 2 or more counties relative to the settlement or domicile of ~~a person~~ **an individual** or family given or in need of any form of public aid or relief, and to determine and declare the county of settlement or domicile in any instance when so requested or on the department's own volition. All decisions and determinations made under this subdivision ~~shall be~~ **are** binding upon the county departments. ~~of social services.~~

(g) ~~(j)~~ To administer or supervise relief or welfare functions vested in the department by law, and to provide for the progressive codification of the laws governing relief and welfare problems.

(h) ~~(k)~~ To inspect ~~county infirmaries and~~ places of detention

for juveniles for the purpose of obtaining facts pertaining to the usefulness and proper management of the ~~infirmaries and~~ places of detention, and of promoting proper, efficient, and humane administration of those ~~infirmaries and~~ places of detention. A reasonable order of the department fixing minimum standards of sanitation, fire protection, food, and comfortable lodging may be enforced, through mandamus or injunction in the circuit court for the county where the ~~county infirmary or~~ place of detention for the juveniles is located, through proper proceedings instituted by the attorney general on behalf of the department. The burden of proof ~~shall be~~ **is** on the department to establish the reasonableness of the order.

(i) ~~(l)~~ To promulgate by rules a recommended schedule of payment for care and maintenance, ~~pursuant~~ **according** to the administrative procedures act of 1969, ~~Act No. 306 of the Public Acts of 1969, as amended, being sections 24.201 to 24.328 of the Michigan Compiled Laws, 1969 PA 306, MCL 24.201 to 24.328,~~ to be used, as provided by law, in determining the amount of payment to be made by patients, their guardians, or relatives who are liable for the care and maintenance of ~~persons~~ **individuals** entitled to treatment under the mental health code, ~~Act No. 258 of the Public Acts of 1974, as amended, being sections 330.1001 to 330.2106 of the Michigan Compiled Laws. 1974 PA 258, MCL 330.1001 to 330.2106.~~ The department in promulgating the schedule may give consideration to the ~~person's~~ **individual's** income, the number of other ~~persons~~ **individuals** he or she is obligated to support, his or her estate, medical and other necessary expenses, and other relevant matters.

(j) ~~(n)~~ To provide or contract for legal services for ~~persons~~ **individuals** receiving assistance under this act in guardianship and

1 support proceedings.

2 (k) ~~(p)~~ To provide services to adults and aging persons, which
3 shall ~~that~~ include:

4 (i) Services for the blind in accordance with the
5 rehabilitation act of 1973, 29 U.S.C. ~~USC~~ 701 to ~~796i~~. **796l**.

6 (ii) Services authorized in title XX of the social security
7 act, 42 U.S.C. ~~USC~~ 1397 to ~~1397e~~. **1397n-13**.

8 (l) ~~(q)~~ To license and regulate child care organizations and
9 programs as described in Act No. 116 of the Public Acts of 1973, as
10 amended, being sections 722.111 to 722.128 of the Michigan Compiled
11 Laws. **1973 PA 116, MCL 722.111 to 722.128**.

12 (2) Other sections of this act notwithstanding, all powers and
13 duties of the county ~~social services~~ boards to develop, implement,
14 and administer a program of general public relief, are transferred
15 to the ~~state~~ department effective beginning with the first county
16 fiscal year following December 1, 1975. ~~However, in~~ **In** a county
17 that operates a patient care management system ~~pursuant to~~ **under**
18 section 66j, the county ~~social services~~ board may change the
19 eligibility standards and coverages for medical care for ~~persons~~
20 **individuals** eligible for services under a patient care management
21 system subject to the consent of the county board of commissioners,
22 or, in a charter county, subject to the consent of the county board
23 of commissioners and the county executive.

24 Sec. 45. (1) A county ~~family independence agency~~ **department** is
25 created in each county of this state, which shall possess ~~that~~
26 **possesses** the powers granted and ~~perform~~ **performs** the duties
27 imposed in this act. The county ~~family independence agency~~
28 **department** shall consist of a county ~~family independence agency~~
29 board and the director of the county ~~family independence agency~~,

department, together with assistants and employees as may be necessary to operate the county ~~family independence agency~~.

department. As used in this act, references to "county department of social services" or "~~county department~~" ~~mean the~~ "county family independence agency" **mean the county department** and references to "county social services board" and "~~county board~~" ~~mean the~~ "county family independence agency board" **mean the county board**.

(2) The powers and duties of the county ~~family independence agency~~ board include all of the following:

(a) Supervision of and responsibility for the administration of the ~~county infirmary and~~ county medical care facility and child caring institution, except as provided in sections 55(c) and 58.

(b) Conduct, in conjunction with the ~~family independence agency~~, **department**, an annual review of social service programs operating within the county.

(c) Development of policy and supervision of the administration of social service programs authorized by the county board of commissioners or financed solely from county funds or county administered funds.

(d) Development and administration of employment programs and work training projects complementary to and not in conflict with state programs.

(e) Review and submit recommendations on contracts involving programs administered by the ~~family independence agency~~ **department** proposed to be entered into between the ~~family independence agency~~ **department** and public or private agencies within the county including proposed purchases of service contracts from applicant agencies within the county eligible for funding under title XX of the social security act, ~~chapter 531, 49 Stat. 620, 42 U.S.C. USC~~

1 1397 to ~~1397f.~~ **1397n-13**. A contract shall not be entered into
 2 between the ~~family independence agency~~ **department** and a public or
 3 private agency within the county until the board has been provided
 4 an opportunity for review of the contract. The board shall be
 5 advised by the ~~family independence agency~~ **department** within 30 days
 6 after contracts have been signed with an explanation of the
 7 differences between contracts recommended by the board and ~~those~~
 8 **contracts** actually entered into.

9 (f) Act as the agent for the county board of commissioners in
 10 the development of coordinated or consolidated approaches to the
 11 delivery of social services and cooperative service delivery
 12 arrangements between the ~~family independence agency~~ **department** and
 13 each public and private social service agency within the county.

14 (g) Represent the county board of commissioners in all
 15 negotiations between the county and the ~~family independence~~
 16 ~~agency~~ **department**

17 (h) Make annual policy recommendations to the Michigan ~~county~~
 18 ~~social services association~~ **County Social Services Association** on
 19 annual departmental appropriations, priorities for utilization of
 20 title XX funds, eligibility standards for general public relief and
 21 burial, employment programs, work training projects, and other
 22 related issues.

23 (3) The ~~family independence agency shall~~ **department must**
 24 provide suitable office accommodations for programs funded in whole
 25 or in part with state funds. The county ~~family independence agency~~
 26 board ~~shall~~ **must** review and recommend to the director proposed
 27 office sites within the county. The director ~~shall~~ **must** notify the
 28 **county** board before final site selection with an explanation of the
 29 selection of a site other than that proposed by the **county** board.

1 (4) The salary and expenses of each member of the county board
2 shall be fixed by the county board of commissioners according to
3 the amount of time the member devotes to ~~the performance of~~
4 **performing** official duties. A member of the county board may not
5 serve as the director or an employee of the county ~~family~~
6 ~~independence agency. department.~~ The members of the county boards
7 shall be appointed at the annual October session of commissioners,
8 and members ~~shall~~**must** qualify by taking and filing the oath of
9 office with the county clerk, and ~~shall~~**must** assume their duties as
10 prescribed by this act not later than November 1 of the year
11 appointed.

12 (5) The director, employees, and assistants of the county
13 ~~family independence agency department~~ shall be appointed by the
14 ~~family independence agency department~~ from among ~~persons~~
15 **individuals** certified as qualified by the state civil service
16 commission. The county ~~family independence agency board~~ shall
17 review the qualifications of and interview each applicant for the
18 position of county ~~family independence agency department~~ director.
19 The county **department** director ~~shall~~**must** be appointed from among
20 ~~persons~~**individuals** certified as eligible and recommended by the
21 ~~family independence agency department~~ and by the county board.
22 These appointment provisions do not apply under conditions of
23 reduction in state work force, in which case the administrative
24 employment preference rules for bumping promulgated by the Michigan
25 civil service commission apply. The county board shall advise and
26 make recommendations to the state director regarding the
27 performance of the county director within 6 months after the
28 appointment of the county director and annually after that time. A
29 copy of each evaluation ~~shall~~**must** be provided to the county

1 director.

2 (6) Except as prescribed in sections 35 and 64, a writing
3 prepared, owned, used, in the possession of, or retained by the
4 county ~~family independence agency~~ **department** in the ~~performance of~~
5 **performing** an official function ~~shall~~ **must** be made available to the
6 public in compliance with the freedom of information act, ~~Act No.~~
7 ~~442 of the Public Acts of 1976, being sections 15.231 to 15.246 of~~
8 ~~the Michigan Compiled Laws.~~ **1976 PA 442, MCL 15.231 to 15.246.**

9 Sec. 55. The county department shall administer a public
10 welfare program, as follows:

11 (a) To grant general assistance, including medical care and
12 care in the county medical care facility, but not including
13 hospitalization and infirmary care except for care in the county
14 medical care facility or a county infirmary existing on January 1,
15 1981, to any ~~person~~ **individual** domiciled in the county who has a
16 legal settlement in this state. General assistance may also be
17 granted to ~~a person~~ **an individual** who has a legal settlement in
18 this state but no domicile in the county and a recoupment may be
19 made when appropriate in the manner provided in cases of emergency
20 hospitalization under this act. In a temporary emergency, general
21 assistance may be given to indigents without a settlement in this
22 state as the county department considers necessary, including, if
23 other funds are not available for the purpose, all necessary
24 expenses in transporting an indigent to his or her domicile in this
25 state, or in another state or nation, when information reasonably
26 tends to show that the ~~person~~ **individual** has a home available in
27 his or her place of domicile in this state or a legal residence in
28 another state or nation. A legal settlement in this state is
29 acquired by an emancipated ~~person~~ **individual** who has lived

1 continuously in this state for 1 year with the intent to make it
2 his or her home and who, during the 1-year period has not received
3 public assistance, other than assistance received during and as a
4 direct result of a civil defense emergency, or support from
5 relatives. Time spent in a public institution shall not be counted
6 in determining settlement. A legal settlement ~~shall be~~ **is** lost by
7 remaining away from this state for an uninterrupted period of 1
8 year except that absence from this state for labor or other special
9 or temporary purpose shall not occasion loss of settlement.

10 (b) To administer categorical assistance including medical
11 care.

12 (c) To supervise and be responsible for ~~the operation of the~~
13 ~~county infirmary and~~ **operating the** county medical care facility. In
14 a county having a population of 1,000,000 or more that maintains a
15 ~~county infirmary or~~ county hospital or a joint infirmary and
16 hospital providing for mental patients, the institution and the
17 admissions to the institution are subject to the control of a board
18 to be known as the board of county institutions. The board shall
19 consist of 5 members appointed by the county board of
20 commissioners, except that in a county having a board of county
21 auditors, 3 members of the board of county institutions shall be
22 appointed by the county board of commissioners and 2 members shall
23 be appointed by the board of county auditors. Each member of the
24 board shall hold office for a term and receive compensation as the
25 county board of commissioners provides by ordinance. In relation to
26 the administration of the institutions the board has and succeeds
27 to all powers and duties formerly vested by law, general, local or
28 special, in the superintendents of the poor in the county and the
29 board of county institutions as constituted on April 13, 1943. The

1 board of county institutions of the county may also maintain
2 outpatient facilities for the treatment of needy persons suffering
3 from mental ~~disorders.~~**illness.** The board also has the same powers
4 as are given to the county board in section 78.

5 (d) To furnish in all cases, insofar as practicable, care and
6 treatment that will tend to restore needy persons to a condition of
7 financial and social independence.

8 (e) To require that each applicant ~~shall~~**must** furnish proof
9 satisfactory to the county board that the applicant is entitled to
10 the aid, assistance, or benefit sought.

11 (f) To investigate, in respect to each application for any
12 form of public aid or assistance, the circumstances of the
13 applicant, both at the time of application and periodically during
14 the receipt of aid or assistance.

15 (g) To maintain adequate social and financial records
16 pertaining to each recipient of aid or assistance and so far as is
17 practicable engage in the prevention of social disabilities.

18 (h) Except as otherwise provided in this subdivision, to
19 investigate, when requested by the probate court or the family
20 division of circuit court, matters pertaining to dependent,
21 neglected, and delinquent children and wayward minors under the
22 court's jurisdiction, to provide supervision and foster care as
23 provided by court order, and to furnish the court, on request,
24 investigational service in respect to the hospitalization of
25 children under the program of services for children and youth with
26 special health care needs established under part 58 of the public
27 health code, 1978 PA 368, MCL 333.5801 to 333.5879, which services
28 shall include ~~the~~ follow-up investigation and continuing
29 observations. If the county is a county juvenile agency as defined

1 in section 2 of the county juvenile agency act, 1998 PA 518, MCL
 2 45.622, the county department's obligations under this subdivision
 3 are limited to public wards within the county's jurisdiction under
 4 the youth rehabilitation services act, 1974 PA 150, MCL 803.301 to
 5 803.309, and county juvenile agency services as defined in section
 6 117a.

7 (i) To assist other departments, agencies, and institutions of
 8 the federal, state, and county governments, when requested, in
 9 performing services in conformity with the purposes of this act.

10 (j) To assist in the development of sound programs and
 11 standards of child welfare, and promote programs and policies
 12 looking toward the prevention of dependency, neglect, and
 13 delinquency and other conditions affecting adversely the welfare of
 14 families and children.

15 (k) To create within the county department a division of
 16 medical care. The county board may appoint a properly qualified and
 17 licensed doctor of medicine as the head of the division and an
 18 advisory committee. The advisory committee ~~shall~~**must** consist of 1
 19 doctor of medicine, nominated by the county medical society; 1
 20 dentist, nominated by the district dental society; and 1
 21 pharmacist, nominated by the district pharmaceutical association,
 22 to assist in formulating policies of medical care and auditing and
 23 reviewing bills. ~~"Medical care" as~~**As** used in this act, **"medical**
 24 **care"** means medical care rendered under the supervision of a
 25 licensed physician in an organized ~~out-patient~~**outpatient**
 26 department of a hospital licensed by the department ~~of community~~
 27 ~~health~~ under article 17 of the public health code, 1978 PA 368, MCL
 28 333.20101 to 333.22260, or home and office attendance by a
 29 physician, osteopathic physician and surgeon, or podiatrist

1 licensed or otherwise authorized to engage in practice under
 2 article 15 of the public health code, 1978 PA 368, MCL 333.16101 to
 3 333.18838; and when prescribed by the physician, osteopathic
 4 physician and surgeon, or podiatrist, diagnostic services requiring
 5 the use of equipment not available in his or her offices, if the
 6 services do not require overnight care, dental service, optometric
 7 service, bedside nursing service in the home, or pharmaceutical
 8 service. The private physician-patient relationship ~~shall~~**must** be
 9 maintained. The normal relationships between the recipients of
 10 dental, optometric, nursing, and pharmaceutical services, and the
 11 services furnished by a physician, osteopathic physician and
 12 surgeon, podiatrist, or a chiropractor licensed or otherwise
 13 authorized to engage in practice under article 15 of the public
 14 health code, 1978 PA 368, MCL 333.16101 to 333.18838, and the
 15 persons furnishing these services ~~shall~~**must** be maintained. This
 16 section does not affect the office of a city physician or city
 17 pharmacist established under a city charter, a county health
 18 officer, or the medical superintendent of a county hospital. This
 19 section permits the use of a case management system, a patient care
 20 management system, or other alternative system for providing
 21 medical care.

22 (l) To cause to be suitably buried the body of a deceased
 23 indigent ~~person~~**individual** who has a domicile in the county, when
 24 requested by the ~~person's~~**individual's** relative or friend, or of a
 25 stranger, when requested by a public official following an inquest.

26 (m) To administer additional welfare functions as are vested
 27 in the department, including hospitalization.

28 (n) To act as an agent for the ~~state~~ department in matters
 29 requested by the ~~state~~ department under the rules of the ~~state~~

1 department.

2 (o) To provide temporary general assistance for each family
3 found ineligible for family independence assistance by reason of
4 unsuitable family home. ~~as provided in section 56.~~

5 Sec. 58. (1) A county board may, with the approval of the
6 county board of commissioners, supervise and be responsible for the
7 operation of a county medical care facility in, auxiliary to, or
8 independent of the county infirmary. If a county has a board of
9 county institutions, a county medical care facility shall be
10 supervised and operated by the board of county institutions, and
11 all references in this section to the county board means, for that
12 county, the board of county institutions. The county board in a
13 county that has established a county medical care facility may
14 collect from any available source for the cost of care given in the
15 facility and the collections ~~shall~~**must** be deposited in the social
16 welfare fund created under section 73a. The facility ~~shall~~**must**
17 provide a program of planned and continuing medical treatment and
18 nursing care under the general direction and supervision of a
19 licensed physician employed full or part-time who shall be known as
20 the medical director.

21 (2) Medical treatment and nursing care provided in a county
22 medical care facility shall consist of services given to ~~persons~~
23 **individuals** suffering from prolonged illness, defect, infirmity, or
24 senility, or recovering from injury or illness. The services
25 provided shall include some or all of the procedures commonly
26 employed, such as physical examination, diagnosis, minor surgical
27 treatment, administration of medicines, providing special diets,
28 giving bedside care, and carrying out any required treatment
29 prescribed by a licensed physician that are within the ability of

1 the facility to provide.

2 (3) Services provided in a county medical care facility shall
3 be consistent with the needs of the type of patient admitted and
4 cared for, professionally supervised and planned, and provided on a
5 continuing basis. A person shall not be admitted or retained for
6 care if he or she requires special medical or surgical treatment or
7 treatment for a psychosis, tuberculosis, or contagious disease,
8 except that the facility may contain a supervised psychiatric ward
9 for the temporary detention of mentally ill patients if the ward
10 has been inspected, ~~and approved, by the department of community~~
11 ~~health~~ and certified by the department of ~~community health~~ to the
12 county board, and if no other facility for temporary detention of
13 mentally ill patients exists in the county. A county department may
14 provide for the support of poor ~~persons~~ **individuals** who may be
15 feeble-minded or mentally ill at some other place or places and in
16 a manner that best promotes the interests of the county and the
17 comfort and recovery of ~~such persons,~~ **those individuals** at the
18 expense of the county.

19 (4) A county board, in seeking approval to establish, extend,
20 and operate a county medical care facility in an existing building,
21 shall apply in writing to the department. The county board shall
22 include with the application a proposed plan with specifications,
23 including standards of operation, for the examination and
24 recommendations of the department.

25 (5) A county board of commissioners may determine to erect a
26 county infirmary or county medical care facilities for the
27 reception and care of the poor and unfortunate of the county. The
28 county medical care facilities may be on different sites than the
29 county infirmary. On filing the determination with the county

1 clerk, the county board of commissioners may direct the county
2 board to purchase 1 or more tracts of land, not exceeding 320
3 acres, and to erect on the land 1 or more suitable buildings for
4 the county infirmary or county medical care facilities. Before any
5 ~~county infirmary or~~ county medical care facility is erected or any
6 existing buildings are remodeled, added to, or substantially
7 altered under this section, before plans for the ~~county infirmary~~
8 ~~or~~ county medical care facilities are finally accepted, and before
9 any contract is entered into for construction, the plans shall be
10 submitted to the department for examination and approval. The
11 determination reached shall be certified to the county clerk and
12 presented to the county board of commissioners at the next regular
13 meeting of the county board of commissioners. A ~~county infirmary or~~
14 county medical care facility shall not be constructed unless the
15 plans have been certified under this subsection. A contract for ~~the~~
16 ~~erection of a county infirmary or~~ **erecting a** county medical care
17 facility is not valid or binding unless the plans referred to in
18 the contract and actually followed in the construction have been
19 approved. Money shall not be paid from county funds for
20 construction until the plans have been approved and the
21 determination filed.

22 (6) The department shall review the proposals and plans of a
23 county board submitted in connection with an application for the
24 establishment, extension, and operation of a county medical care
25 facility ~~or county infirmary~~ and shall consult with and give advice
26 to the county department as to plans, procedures, and programs
27 required for the proper establishment, extension, and operation of
28 the county medical care facility. ~~or county infirmary.~~

29 (7) The department shall approve the county medical care

1 facilities by proper notice to the county department. After
2 approval, the department shall inspect the facility as frequently
3 as it considers necessary, but at least once each year. A county
4 department shall comply with any reasonable order issued by the
5 department. The county department may appeal an order in writing,
6 within 30 days of receiving the order, to the director of the
7 department.

8 (8) Any reasonable order of the department for the
9 establishment, extension, operation, or closing of a ~~county~~
10 ~~infirmary or~~ county medical care facility may be enforced by
11 mandamus or injunction in the circuit court for the county where
12 the facility is located in proceedings instituted by the attorney
13 general on behalf of the department.

14 (9) A county medical care facility shall not be opened for
15 operation until it has been inspected and approved in writing to
16 the department by the bureau of fire services created in section 1b
17 of the fire protection code, 1941 PA 207, MCL 29.1b, and the
18 department. ~~of community health.~~ The county department shall comply
19 with any reasonable directive issued by the bureau of fire services
20 or the department ~~of community health~~ with regard to the fire
21 safety and sanitation of the ~~county infirmary or~~ county medical
22 care facility. A directive may be enforced by the department in the
23 same manner as are orders of the department. After receiving the
24 approval of the department, the county department shall represent
25 the facility to the public as the county medical care facility and
26 shall make reasonable and continuing effort to divorce the facility
27 from an association in the public mind with the words "poor house"
28 or "poor farm".

29 (10) Beginning the effective date of the amendatory act that

1 added this subsection, oversight for a county infirmary is
2 transferred from the department to the county board of
3 commissioners in the county in which the county infirmary is
4 located.