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Aging Alert

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MORE AGING CUTS AHEAD?

With only a month left in the 2010 fiscal year, Michigan lawmakers have their work cut out. They need to balance this year's budget with a deficit of \$300 million, and deal with an even larger deficit in next year's budget.

Governor Jennifer Granholm, in an effort to jump-start the process, has given the Legislature a list of revenue-generating and budget-cutting ideas and early reactions have been positive. The Governor's proposals include \$50 million more in unspecified budget cuts from the Department of Community Health (DCH), the department that includes the MI Choice Medicaid Waiver program and the Office of Services to the Aging (OSA). The Departments of Human Services and Corrections would also lose \$50 million each. The Legislature would decide where the cuts will be made.

Aging advocates vehemently object to the budget being balanced on the backs of frail elders and are very concerned that OSA services could be hard hit. Meals-on-wheels and other community-based programs funded by OSA have been ravaged in the last two years, losing \$7 million or 18% of state dollars. For next year, the Governor and Senate both recommend that another \$2.3 million (8%) be cut; the House recommends no cuts. Not surprisingly, waiting lists have increased, growing from 5,390 in September of 2009, to 6,121 in June of 2010.

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Also of concern to advocates is the fact that state funds are used to match and draw down federal funds from the Older Americans Act, so cuts in state funding can have the unintended consequence of cutting federal support as well.

"The Area Agencies on Aging Association is urging everyone concerned about senior programs to express their concerns to elected officials right away," according to President Marion Owen. For more information, visit AAAAM's website at www.mi-seniors.net.

Besides finishing the budget, legislators have only until the end of December to act on any piece of legislation still pending. On January 1, any bill not passed is dead and has to be reintroduced and start the legislative process from scratch.

HOUSE BILLS OF INTEREST TO SENIORS

For more information about these and other bills, go to www.michiganlegislature.org.

- HB 4394** **TEXT MESSAGES** (Gonzalez) Prohibits reading or typing text messages while operating a moving motor vehicle. Tie-barred to HB 4370 (Polidori) and SB 468 (Kahn); bills passed by the Legislature as Public Acts 58, 59 & 60.
- HB 4939** **HEALTH ASSESSMENT WEBSITE** (Womack) Directs the state to create a health assessment website to promote healthy behaviors. In House Health Policy Committee.
- HB 4940-1** **REUSE OF MEDICAL SUPPLIES** (Slavens & Mayes) Prohibits the reuse of medical supplies meant for one-time use. Violations are a felony punishable by fines and/or prison. In House Health Policy Committee.
- HB 4942** **ADVANCE DIRECTIVES** (Ball) Requires the Secretary of State to create and maintain a statewide registry recording advance health care directives such as durable powers of attorney. The registry would be available to health care providers. In House Health Policy Committee.
- HB 4943** **ADVANCE DIRECTIVES** (Marleau) Directs the state to provide information on advance directives and the advance directive registry to people applying for the Medicaid program. Tie-barred to HB 4942. In House Health Policy Committee.
- HB 5028** **POOLED TRUSTS** (Young) Creates a state law regulating trusts to pool the assets of beneficiaries with disabilities that are managed by nonprofit organizations. A person's share in the trust could not be considered as an asset when determining Medicaid eligibility. In House Judiciary Committee.
- HB 5131** **STEM CELL RESEARCH** (LeBlanc) Regulates the acquisition of human embryos for stem cell research. In House Judiciary Committee.
- HB 5136** **INCLUSIONARY ZONING** (Young) Creates a new law that allows local governments to use "inclusionary zoning" to promote the development of affordable housing units. In House Intergovernmental & Regional Affairs Committee.
- HB 5187** **FINANCIAL EXPLOITATION** (Neumann) Requires employees of financial institutions to report to the state any suspicions of financial exploitation. Passed House in June 2010; in Senate Senior Citizens & Veterans Affairs Committee.
- HB 5188** **POWER OF ATTORNEY** (Rocca) Requires an individual designated a power of attorney to sign a document stating they accept the obligations, liabilities and rights. Reported from committee in July 2010, on House floor for a vote.
- HB 5189** **ELDER DEATH REVIEW TEAM** (Bauer) Permits a county medical examiner to create a team of professionals to investigate any suspicious deaths of

older adults in nursing homes. In Senior Health, Security & Retirement Committee.

- HB 5190 MISSING SENIORS** (Meadows) Requires law enforcement agencies to act quickly to find seniors 60+ who are reported missing and incapable of returning home without assistance. Passed House in October of 2009, in Senate Senior Citizens & Veterans Affairs Committee.
- HB 5191 ABUSE REPORTING** (Womack) Requires nursing home employees aware of physical, mental or emotional abuse or neglect to report this information directly to state officials. Passed House in November 2009, in Senate Families & Human Services Committee.
- HB 5192 FINANCIAL EXPLOITATION** (DeShazor) Amends current law to better protect the assets of wards and protected individuals to prevent misuse or fraud by guardians and conservators. Reported from committee in July 2009, on House floor for a vote.
- HB 5193 FINANCIAL EXPLOITATION** (Roberts) Defines the term “financial exploitation” and adds financial exploitation to the definition of abuse. Passed House in June 2010, in Senate Senior Citizens & Veterans Affairs Committee.
- HB 5194 FINANCIAL EXPLOITATION** (Coulouris) Requires conservators to obtain a court order before selling a ward’s property. In House Judiciary Committee.
- HB 5195 FINANCIAL EXPLOITATION** (McDowell) Prohibits someone charged with felony abuse, neglect or exploitation from receiving any benefits from their victim’s estate. Passed House in February 2010, in Senate Judiciary Committee.
- HB 5215 GUARDIANSHIP** (Robert Jones) Spells out the rights and powers of individuals who have guardians, and states that the individual retains all rights and powers not expressly transferred to the guardian by the court. In House Senior Health, Security & Retirement Committee.
- HB 5231 UNUSED PRESCRIPTION DRUGS** (Meadows) Directs the state to create and regulate a program to collect and redistribute unused drugs to the medically needy. In House Health Policy Committee.
- HB 5803 SMOKING** (Geiss) Allows a food service establishment that is not open to the public to have a separate, enclosed smoking room. In House Regulatory Reform Committee.
- HB 5911 VETERANS LOTTERY GAME** (Haugh) Directs the State Lottery to designate a special instant lottery game on January 1, 2011 for the benefit of veterans in Michigan. The proceeds will be used for benefits for needy veterans, the long term care of veterans or research on veteran’s issues. In House Regulatory Reform Committee.
- HB 5977 PUBLIC TRANSIT INFRASTRUCTURE** (Byrnes) Allows local governments to create study committees to study issues related to public transit

development. Part of a package of six bills intended to promote and finance investment in public transit-related facilities. Other bills are HB 5978, 5979, 5988, 5989 and 5998. HBs 5977, 5979, 5988, 5989 and 5998 reported from committee in June 2010, now on House floor for a vote. HB 5978 in House Intergovernmental & Regional Affairs Committee.

- HB 6140 UTILITY SHUT-OFFS** (Johnson) Prohibits utilities from shutting off services to certain senior citizens or low-income customers if they pay at least 10% of their monthly income towards the amount they owe. In House Energy & Technology Committee.
- HB 6142 NURSING HOME & HOME FOR THE AGED LICENSES** (Neumann) If the applicant for a facility license is not an individual, mandates that the applicant disclose the names of all individuals with an ownership interest. Also specifies that a state license for a nursing home or home for the aged is not automatically transferable to a new potential owner. In House Senior Health, Security & Retirement Committee.
- HB 6143 NURSING HOME LICENSE** (Barnett) Allows the state to deny a nursing home license to an applicant under certain circumstances, for example – the individual has had a professional or facility license revoked during the past 5 years, the person has filed bankruptcy within the past 5 years, another facility the person owned was excluded from Medicare or Medicaid, etc. In House Senior Health, Security & Retirement Committee.
- HB 6144 NURSING HOME SALE** (Corriveau) Requires nursing homes to notify in writing all residents and their representatives of a change in ownership. In House Senior Health, Security & Retirement Committee.
- HB 6145 NURSING HOME SALE** (Constan) Requires individuals to purchase a surety bond in order to obtain a certificate of need from the state to buy a nursing home or open new beds. In House Senior Health, Security & Retirement Committee.
- HB 6147 NURSING HOMES** (Ball) Requires nursing homes to post names and contact information for all individuals with an ownership interest, the nursing home administrator, the director of nursing and other key executives. In House Senior Health, Security & Retirement Committee.
- HB 6197 ESTATE TAX** (Kandrevas) If an individual made a will under the assumption that the estate tax would be in effect when he/she died, allows the estate to be divided as if it was still in effect. (The federal estate tax was repealed for the period January 1 – December 31, 2010 and will be reinstated on January 1, 2011.) Passed House in June 2010, in Senate Judiciary Committee.

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