

PUBLIC HEALTH CODE (EXCERPT)
Act 368 of 1978
Part 53
EXPENSE OF CARE

333.5301 County chargeable with expense of care; reimbursement by state; individuals with tuberculosis or honorable discharges considered domiciled in state at large; expense of care paid by state on certification of department; reasonableness of claims and accounts; appeal.

Sec. 5301.

(1) The county in which an individual receiving care under section 5117 has a domicile is chargeable with the expense of the care, and this state shall reimburse that county for all or a portion of the expense in the amounts the legislature appropriates for that purpose. An individual who has tuberculosis and has not acquired a legal settlement in this state in accordance with the social welfare act, Act No. 280 of the Public Acts of 1939, being sections 400.1 to 400.121 of the Michigan Compiled Laws, or an individual who was honorably discharged from a branch of the military services of the United States and not otherwise hospitalized for the purpose of this part shall be considered to be domiciled in this state at large, and the expense of that individual's care, while the care continues with the approval of the department, shall be paid by the state on certification of the department. The reasonableness and propriety of all claims and accounts under this subsection shall be passed upon and determined by the department, subject to appeal to the circuit court for the county of Ingham as to questions of law.

(2) An individual committed to an inpatient facility for tuberculosis pursuant to a probate court order under section 5205 and not otherwise hospitalized for the purpose of part 51 or 52 shall be considered to be domiciled in this state at large, and the expense of that individual's care, while the care continues with the approval of the department, shall be paid by the state on certification of the department. The reasonableness and propriety of all claims and accounts under this subsection shall be passed upon and determined by the department, subject to appeal to the circuit court for the county of Ingham as to questions of law.

History: Add. 1988, Act 491, Eff. Mar. 30, 1989

Compiler's Notes: For transfer of certain powers and duties of the bureau of infectious disease control from the department of public health to the director of the department of community health, see E.R.O. No. 1996-1, compiled at MCL 330.3101 of the Michigan Compiled Laws.

Popular Name: Act 368

333.5303 Care provided where individual found at expense of county where individual domiciled; notice; return of individual to county of domicile; disputed or contested claim arising between 2 or more counties; decision.

Sec. 5303.

(1) Upon determination by the county department of social services that the place of domicile of an individual receiving care under section 5117 is in another county in this state, care shall be provided where the individual is found at the expense of the county where the individual is domiciled. The county department of social services, not later than 1 month after the commencement of care, shall mail written notice that the care is being provided to the local department of social services of the individual's county of domicile. The local health department of the county of domicile may provide for the return of the individual to, and care in, that county.

(2) If the domicile of the individual is not acknowledged by the alleged county of domicile within 1 month after mailing the notice under subsection (1), the question of domicile may be submitted for decision to the state department of social services. If a disputed or contested claim arises between 2 or more counties as to the county of domicile, the director of social services shall determine the county of domicile when so requested or on his or her own motion. The decision of the director of social services is final. However, pending determination, the county in which the individual is found shall provide the necessary care.

History: Add. 1988, Act 491, Eff. Mar. 30, 1989

Popular Name: Act 368

333.5305 Determination that county where individual found not county of domicile; reimbursement.

Sec. 5305.

Upon determination by the director of social services that the county where the individual is found is not the county of domicile, the county of domicile, as determined by the director of social services, shall reimburse the county where the individual is found for all expenses incurred, less any reimbursements from the state or other source for the care.

History: Add. 1988, Act 491, Eff. Mar. 30, 1989

Popular Name: Act 368

333.5307 Expenditure under MCL 333.5117 considered expenditure for protection of public health, not welfare or relief; reimbursement; notice and hearing; finding; order; distribution of receipts.

Sec. 5307.

An expenditure of public funds under section 5117 for the care of an individual is considered an expenditure for the protection of the public health, and not money advanced as welfare or relief. An individual is not legally obligated to reimburse the expense incurred, unless the department and the county of domicile, after reasonable notice and upon a hearing, find that the individual hospitalized or treated, or the persons legally liable for the individual's support, are possessed of sufficient income or estate to enable them to make the reimbursement in whole or in part without materially affecting their reasonable economic security or support, in view of their respective resources, obligations, and responsibilities to dependents and order reimbursement. The order shall not be made retroactive unless the department and the county of domicile find that the person to be charged is guilty of misrepresenting or withholding knowledge of facts material to the issue. Receipts under the order, and money voluntarily paid as reimbursement, shall be distributed pro rata to the funds out of which the expenditure was made.

History: Add. 1988, Act 491, Eff. Mar. 30, 1989

Popular Name: Act 368