

HOME HELP CAREGIVER COUNCIL ACT (EXCERPT)
Act 144 of 2024

400.803 Home help caregiver council; membership; term of service; powers and duties.

Sec. 3.

(1) The home help caregiver council is created within the department. The council possesses the powers, duties, and jurisdictions vested in the council under this act and other laws.

(2) The council is directed and governed by a board of directors consisting of the following 7 members:

(a) The director of the department or the director's designated representative from within the department.

(b) The director of the department of labor and economic opportunity or the director of the department of labor and economic opportunity's designated representative.

(c) The director of the department of treasury or the director of the department of treasury's designated representative.

(d) Two members appointed by the director of the department to represent participants or participant representatives.

(e) Two members appointed by the director of the department who represent nonprofit organizations that advocate on behalf of older adults or people with disabilities.

(3) Except as otherwise provided in this subsection, board members of the council must be appointed for a term of 4 years. Of the board members initially appointed by the director, the following board members' terms must be as follows:

(a) One member who represents participants or participant representatives must be appointed for a term that expires on July 31, 2025.

(b) One member who represents nonprofit organizations that advocate on behalf of older adults or people with disabilities must be appointed for a term that expires on July 31, 2026.

(c) One member who represents participants or participant representatives must be appointed for a term that expires on July 31, 2027.

(d) One member who represents nonprofit organizations that advocate on behalf of older adults or people with disabilities must be appointed for a term that expires on July 31, 2028.

(4) After the initial appointments under subsection (3), if a vacancy occurs among the board members described in subsection (2) by expiration of a term, the director of the department shall appoint an individual satisfying the requirements of subsection (2) to a new 4-year term. If a vacancy occurs on the board among the board members described in subsection (2) other than by expiration of a term, the vacancy must be filled by the director of the department for the remainder of the term of the unexpired term. Board members may continue to serve until a successor is appointed. Unless otherwise specified, a board member's resignation is effective upon written notice received by the director.

(5) Appointments under this section must be filed with the secretary of state. Upon appointment to the board described in subsection (2), and upon taking and filing the oath of office required by section 1 of article XI of the state constitution of 1963, the board member shall enter office and exercise the duties of the office of the board member.

(6) Not less than 60 days following the appointment of a majority of the members of the board, the board described in subsection (2) shall hold its first meeting at a date and time determined by the director of the department. The board members shall elect from among the board members an individual to serve as a chairperson of the board and may elect other officers as the board considers necessary. All officers must be elected annually by the board.

(7) The business of the board described in subsection (2) must be conducted at a public meeting of the board held in compliance with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275. Public notice of the time, date, and place of a meeting of the board must be given in the manner required by the open meetings act, 1976 PA 267, MCL 15.261 to 15.275. The board shall adopt bylaws consistent with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275, governing its procedures and the holding of meetings. After organization, the board shall adopt a schedule of regular meetings and adopt a regular meeting date, place, and time. A special meeting of the board may be called by the chairperson of the board or as provided in bylaws adopted by the board. Notice of a special meeting must be given in the manner required by the open meetings act, 1976 PA 267, MCL 15.261 to 15.275.

(8) The board described in subsection (2) shall organize and make its own policies and procedures and shall adopt bylaws not inconsistent with this act governing its operations. A majority of the members of the board serving constitute a quorum for transaction of business. The board shall meet at the call of the chairperson and as may be provided in the bylaws.

(9) The board described in subsection (2) shall keep a written or printed record of each meeting, which record

and any other document or record prepared, owned, used, in the possession of, or retained by the council in the performance of an official function must be made available to the public in compliance with the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

(10) The council shall do all of the following:

(a) Provide for additional and relevant training and educational opportunities for individual home help caregivers, including opportunities for individual home help caregivers to obtain certification that documents additional training and experience in areas of specialization.

(b) Provide for a mandatory orientation program related to employment in providing individual home help services. All of the following requirements apply to the orientation program described in this subdivision:

(i) The orientation program is conducted on paid time.

(ii) An individual home help caregiver must attend an initial orientation not more than 45 days after the date the individual begins to provide individual home help services.

(iii) A bargaining representative of individual home help caregivers must be allowed to attend each orientation. The bargaining representative must be allowed to distribute materials to and collect materials from attendees and make a presentation to attendees that is not more than 30 minutes long during the orientation.

(iv) The council shall provide a bargaining representative of individual home help caregivers who attends an orientation a list of the individual home help caregivers who are registered for the orientation not less than 24 hours before the start of the orientation.

(c) The council may contract with organizations with expertise in providing training and workforce development services to develop and deliver orientations and any additional trainings.

(d) By not later than September 30, 2025, and then semi-annually thereafter, compile and maintain a list of the names, home addresses, home telephone numbers, personal cellular telephone numbers, and personal email addresses, if known, of all individual home help caregivers who have been paid to provide individual home help services within the immediately preceding 6 months. In fulfilling this obligation, the council must follow all applicable laws and regulations related to the protection of personally identifiable information. The list described in this subdivision must not include the name or private data of any participant or participant's representative or indicate that an individual home help caregiver is a relative of a participant or has the same address as a participant.

(e) Maintain a registry of individuals qualified to be individual home help caregivers to promote and coordinate effective and efficient individual home help services. Individual home health caregivers may request to opt out of having the individual's information maintained in the registry created under this section.

(f) Espouse, support, and work to preserve participant selection and self-direction of individual home help caregivers.

(g) Provide support to individual home help caregivers through a variety of methods aimed at encouraging competence, achieving quality services for participants, and improving individual home help caregiver retention through improved job satisfaction.

(h) Collect statewide information and data related to the home help caregiver workforce, including, but not limited to, individual home help caregiver pay, retention and turnover rates, individual home help caregiver job satisfaction, service gaps caused by individual home health caregiver shortages, and other relevant information as requested by the interested parties advisory group.

(i) Serve as a communications hub for the home help caregiver workforce to disperse information relevant to individual home help caregivers.

(11) Any funds allocated for the provision of relevant training and education opportunities as described in subsection (10) may be used to provide career education, wraparound support services, and job skills training in areas of specialization for individual home help caregivers. Funds may also be used for program expenses, including, but not limited to, hiring instructors, marketing and recruitment efforts, space rental, and supportive services to help individual home help caregivers attend trainings.

(12) The council shall convene and support an interested parties advisory group at least every 2 years and as often as the council's members determine to be necessary to meet the council's obligations in accordance with federal Medicaid requirements or any other requirements. For purposes of this subsection, the interested parties advisory group membership must include Home Help participants, individual home help caregivers, representatives of the department, and the bargaining representative of individual home help caregivers.

(13) Except as otherwise provided in this act, the council may do all things necessary or convenient to implement the purposes and provisions of this act and the purposes, objectives, and jurisdictions vested in the council or the board by this act or other law.

(14) The council may receive local, state, federal, and other funds to pay for individual home help services and to accomplish the purposes and provisions of this act. Funds to support the operation of the council may be provided by the department.

(15) The council may employ, appoint, engage, and compensate employees to accomplish the purposes and provisions of this act.

(16) The council may enter into contracts and agreements, and contract for the services of persons or entities, to accomplish the purposes and provisions of this act.

(17) The departments and agencies of this state shall cooperate with and assist the council in the performance of its powers and duties under this act and in the implementation of any agreements entered into by the council as authorized by the act.

(18) The council and the department shall immediately commence all necessary steps to ensure that individual home help services are offered in conformity with this act, to seek any necessary federal approval for program modifications from the Centers for Medicare and Medicaid Services, and to gather all information that may be needed for promptly compiling lists required under this act. The council and the department shall complete the steps described in this subsection by not later than September 30, 2025.

History: 2024, Act 144, Eff. Apr. 2, 2025