

COUNTY: County Board of Institutions.

SOCIAL WELFARE: Reimbursement from state department.

County board of institutions is not eligible to receive 30 percent reimbursement from State Department of Social Welfare for hospitalization of direct relief patients being cared for in county medical care facility.

No. 4296

July 17, 1964.

Albert E. Heustis, M.D.
State Health Commissioner
Michigan Department of Health
Lansing 4, Michigan

You ask whether a County Board of Institutions duly established under Act 403, P.A. 1962, with assigned responsibility for the county medical care facility can receive currently 30 percent reimbursement from the State Social Welfare Department for hospitalization of direct relief patients being cared for in the county medical care facility.

There is no Act 403 of the Public Acts of 1962. Your reference to Act 403, in fact is the number of the Enrolled House Bill which became Act 181, P.A. 1962. Act 181, P.A. 1962¹ empowers the board of supervisors of counties less than one million having an approved county tuberculosis hospital by $\frac{2}{3}$ vote of the board to create and appoint a board of county institutions to maintain and operate both a county tuberculosis hospital and medical care facilities or county homes. Section 3 provides that the board of county institutions shall

“ . . . cooperate and advise with the . . . state welfare director relative to the problems and administration of county medical care facility and county home: . . . ”

and further provides that the board of county institutions shall comply with the provisions of Sections 58, 58b and 58c of Act 280 of the Public Acts of 1939 as amended (The Social Welfare Act.)²

Act 181, P.A. 1962, about which you inquire, is a statute newly enacted in 1962, and is separate from the Michigan Social Welfare Act.

The provisions of the Social Welfare Act referred to in Act 181, P.A. 1962, relate to the responsibility of setting standards, the approval of plans

¹ M.S.A. 1963 Cum. Supp. § 14.1110(1) *et seq.*

² § 58, C.L.S. '61 § 400.58; M.S.A. 1960 Rev. Vol. § 16.458 provides in pertinent part for construction and operation of county medical care facility by county welfare department upon approval by the state welfare department after determination by county board of supervisors. § 58b, C.L.S. '61 § 400.58b, M.S.A. 1960 Rev. Vol. § 16.458(2) provides for payments of up to \$90 per month for categorical assistance recipients receiving medical care in a county medical care facility, and makes provision for state financial aid for capital expenditure for such facility and for levy and collection of tax for same; § 58c, C.L.S. '61 § 400.58c; M.S.A. 1963 Cum. Supp. § 16.458(3) provides for admission of patients with contagious diseases where it contains an isolated area approved by the State Health Commissioner.

and buildings, the authority for inspection, and also make provision for payment for old age assistance cases.

Act 181, P.A. 1962, incorporates the method by which the county social welfare board pays for the care of welfare cases in institutions under the control of the board of institutions. Section 7 provides in pertinent part as follows:

"The board of county institutions shall have a separate budget for operation of each county institution, to be placed under the control of the board. The board of county institutions shall be reimbursed by the county social welfare board for care of indigent patients in the same manner as reimbursement is provided to other medical institutions for care of county indigent patients: Provided, That such reimbursement shall not exceed the actual costs of care exclusive of capital outlay expenditures."³

Section 18 of the Social Welfare Act provides in pertinent part as follows:

"The [social welfare commission] shall provide for the distribution of such money as shall be appropriated by the legislature for public welfare grants in respect to general relief . . . including medical care and care in the county medical care facility, but not other infirmary care or hospitalization, . . . to the several . . . *departments of social welfare*. . . .

"2. . . . Funds distributed shall be in respect to the net amount expended monthly by the respective departments, for . . . general public relief . . . provided further, That no state funds shall be distributed to any county, city or district department of social welfare in respect to general relief in excess of 30% of the net amount expended by such department for general public relief. . . ."⁴ (Emphasis supplied)

Facilities under Act 181, P.A. 1962, are therefore not eligible for the 30 percent matching of the net operating expense, for the reason that the matching provisions of Section 18 of the Social Welfare Act provide that such 30 percent can only be paid to county welfare departments when the medical care facility is operated as part of the general relief program under the jurisdiction of the social welfare board.

Therefore, on medical assistance for the aged cases, the state would reimburse the county 90 percent of the per diem rate based on the operating costs of the facility operated by the county board of institutions, exclusive of capital expenditures, but cannot match 30 percent of the 10 percent balance.

Likewise, the state could not participate in 30 percent of the cost of care of patients who are county cases and are cared for in a facility operated by a county board of institutions.

Your question is therefore answered "No," there being no statutory authority under present Michigan law for paying 30 percent reimbursement from the state welfare department for hospitalization of direct relief pa-

³ M.S.A. 1963 Cum. Supp. § 14.1110(7).

⁴ M.S.A. 1960 Rev. Vol. § 16.418.

tients being cared for in a county medical care facility being operated by a County Board of Institutions.

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CITIES-COUNTIES: Joint city-county building authority.

Members of county board of supervisors, city council, may not serve as members of commission of joint city-county building authority.

No. 4308

July 17, 1964.

Mr. Russell W. Bradley
Menominee County Prosecuting Attorney
Menominee, Michigan

You have requested my opinion on two questions arising under the provisions of Act 31, P.A. 1948, (Ex. Sess.), as amended, permitting the establishment of a joint city-county building authority as therein provided.¹

The questions are as follows:

"1. May members of the County Board and City Council of a fourth class city be elected to the commission to govern a joint city-county authority, incorporated for the purpose of acquiring, furnishing, equipping, owning, improving, enlarging, operating and maintaining a building for the joint use of said City and County?

"2. Does the provisional with which Section M.S.A. 5.301(5) exclude members of the legislative body only in the case of a building authority within a single subdivision of government?"

Section 5 of the statute referred to contains the following language pertinent to your questions:

"The articles of incorporation shall set forth the name of such authority; the name or names of the unit or units incorporating the same; the purpose for which the authority is created; the number, terms and manner of selection of its officers including its governing body which shall be known as the 'commission'; the powers and duties of the authority and of its officers; the date upon which the authority shall become effective; the name of the newspaper in which the articles of incorporation shall be published; and any other matters expedient to be incorporated therein: *Provided, however, That the members of the legislative body of each incorporating unit of a single authority as provided for in section 1 hereof shall not be eligible for membership or appointment to such authority.*"²

¹ C.L. '48 and C.L.S. '61 §§ 123.951 *et seq.*; M.S.A. 1961 Rev. Vol. and 1963 Cum. Supp. §§ 5.301(1), *et seq.*

² C.L.S. '61 § 123.955; M.S.A. 1961 Rev. Vol. § 5.301(5). Emphasis supplied. The proviso was added by Act 143, P.A. 1955.