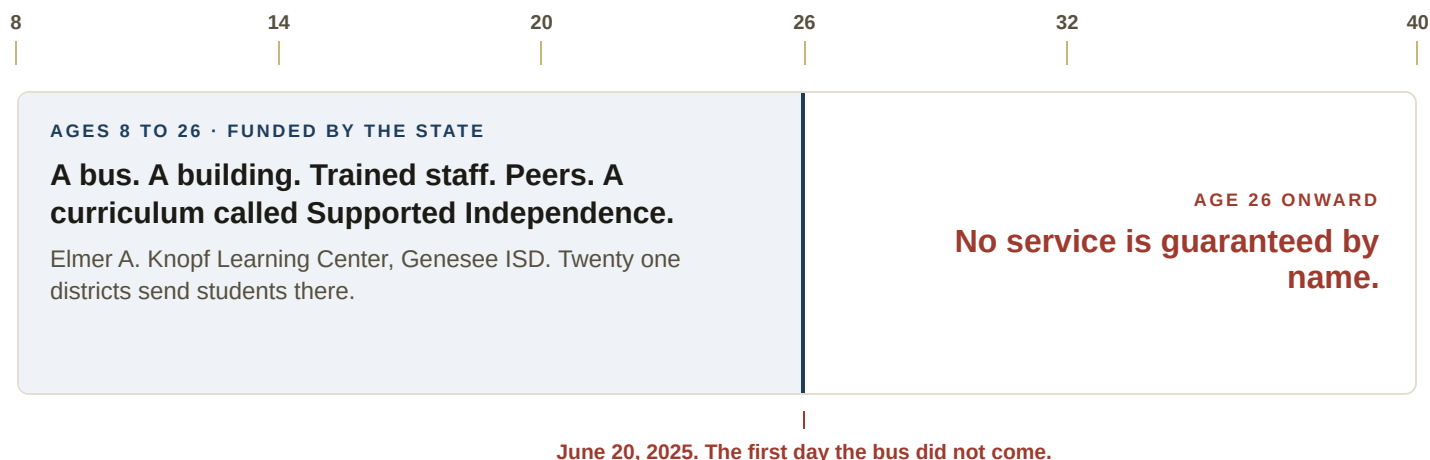


Eighteen years, then nothing.

Michigan pays to bus autistic students to a center based day program with trained staff and a specialized curriculum, from age eight to age twenty six. On the twenty sixth birthday it stops, and no service replaces it, because no service is named in law.



WHAT THE STATE BELIEVED FOR 18 YEARS

18

Years Michigan funded a center based, autism specific day program for this student, with transportation and trained staff, and was right to.

WHAT CHANGED ON THE BIRTHDAY

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Nothing about the person changed. Only which budget she came out of, and no statute names a service on the other side.

Schools run on education law and adult services run on Medicaid. Those are different systems. The question was never which statute applies. It is what the State of Michigan believes is good for this person, and it believed one thing for eighteen years.

WHAT IS ON THE OTHER SIDE OF THAT LINE

Michigan's Habilitation Supports Waiver is approved to serve **8,268** people statewide in a year, and on **October 1, 2024** the department removed prevocational services from it by amendment. No bill. No vote. The day service that remains has the same legal status the deleted one had.

One state. Two citizens. One list.

Both are on Medicaid. Both need somewhere to go during the day. Michigan law names thirteen services for one of them and nothing at all for the other.

This is the whole argument, in the law's own words.

IF YOU WOULD OTHERWISE NEED A NURSING HOME

Thirteen services, guaranteed by name

MCL 400.109c(2): "The services available under the home- or community-based services program shall include, at a minimum, all of the following"

- (a) Home delivered meals
- (b) Chore services
- (c) Homemaker services
- (d) Respite care
- (e) Personal care
- (f) **Adult day care**
- (g) Private duty nursing
- (h) Mental health counseling
- (i) Caregiver training
- (j) Emergency response systems
- (k) Home modification
- (l) Transportation
- (m) Medical equipment and supply services

IF YOU HAVE A DEVELOPMENTAL DISABILITY

No service is named

MCL 400.109f(1): "The department shall support the use of Medicaid funds for specialty services and supports"

That is the entire operative sentence. It names no service, sets no floor, and protects nothing.

Everything an autistic adult might receive lives instead in a waiver document the department writes and can rewrite.

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SERVICES GUARANTEED
BY NAME IN STATUTE

WHAT THAT SILENCE ALLOWED

On **October 1, 2024**, Michigan removed prevocational services from the Habilitation Supports Waiver by amendment. No bill was introduced. No legislator voted. No hearing was held. Most families found out from a supports coordinator, if they found out at all. The remaining day service carries exactly the same legal status, which means it can go the same way at the next renewal.

When the bus stopped coming

Michigan law names thirteen services it must provide to people headed for a nursing home. Adult day care is one of them. For adults with autism, it names nothing at all. That silence is why a service could be deleted in October 2024 without a bill, a vote, or a hearing.

RESTORE WHAT WE LOST · OASISFORAUTISM.COM/RESTORE

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SERVICES NAMED IN LAW

Thirteen for one group of Michiganders. None for ours.

HOW IT HAPPENED

STEP 1

Federal law permits it

Four setting types are excluded. Day programs are not among them.

STEP 2

State law names nothing

No service is guaranteed by name to an adult with a developmental disability.

STEP 3

The department deletes one

October 2024. A waiver amendment. No bill, no vote.

WHAT EACH GOVERNMENT ACTUALLY WROTE DOWN

The same federal rule. Five different answers.

Federal	42 CFR 441.301(c)(5) excludes four setting types. Day programs are not one of them.
Massachusetts	130 CMR 419.000. Day habilitation regulated as a MassHealth service, tied to eligibility.
Colorado	10 CCR 2505-10, sec. 8.7505. Adult Day Services defined, with state-written compliance standards.
Michigan, elders	MCL 400.109c(2)(f). Adult day care, guaranteed by name , at nursing facility level of care.
Michigan, autism	MCL 400.109f. The department shall support the use of Medicaid funds. No service is named.

13

Services Michigan law requires for people who would otherwise need nursing home care. Item (f) is adult day care.

October 1, 2024

Prevocational services removed from the Habilitation Supports Waiver by amendment.

8,268

People the waiver is approved to serve statewide in a year. Authorized is not available.

There are simply no services for your adult autistic child. That is the sentence. It is true, it takes eight seconds to say, and in two years not one trained professional would say it to my face.

JIM PALASTY · BURTON, MICHIGAN

THE TAKEAWAY

Michigan already knows how to write a service list. It wrote one, in the same act, for a different group of people. The ask is not new money and not a new program. It is one paragraph extending a protection Michigan already grants. Turn the page for exactly what to do.

FOUR THINGS YOU CAN DO WITHOUT WAITING FOR ANYONE

1. Get your own records

- ☐ Request your Medicaid claims history
- ☐ Request the full service authorization file
- ☐ Ask what was billed, and by whom
- ☐ Ask the date any authorization ended
- ☐ Put every request in writing, keep the dates

2. Put these in your letter

- ☐ Your county, so it counts as constituent mail
- ☐ Your adult's age and what they lost
- ☐ The statute number, MCL 400.109f
- ☐ The comparison, MCL 400.109c(2)(f)
- ☐ One specific ask and a request for a written reply

3. If you are still in the system

- ☐ Log every missed or unfilled authorized hour
- ☐ Ask for the denial or the gap in writing
- ☐ Ask what replaced prevocational services, by name
- ☐ Ask for the person-centered plan to be reopened
- ☐ Ask who at the PIHP reviews the answer

4. Write down the harm

- ☐ Date the last day of service, exactly
- ☐ Note skills lost, sleep, mood, behavior
- ☐ Note work hours you gave up, and income
- ☐ Note every crisis call and ER visit since
- ☐ Keep it to one page. One page gets read

The four citations to carry on one card

MCL 400.109c(2)(f)

Adult day care, named in Michigan statute, for nursing facility level of care.

MCL 400.109f

Specialty services for developmental disability. No service named. This is the gap.

42 CFR 441.301(c)(5)

The four excluded settings. Day programs are not among them.

CMS SMD #19-001

March 22, 2019. How a presumptively institutional setting is found compliant.

Who to contact, in this order

- ① MDHHS Director of Legislative Affairs. A department recommendation moves a bill in months, not years.
- ② The MDHHS office holding HCBS policy authority. Ask for rulemaking on day service standards.
- ③ Your state representative. Ask for co-sponsorship, by statute number.
- ④ Your state senator. Same ask. A bill needs a sponsor in each chamber.
- ⑤ The Governor's office. The signature, and the department's marching orders.

You are not asking for a favor. You are asking the Legislature to finish a sentence it already wrote once, for somebody else's mother.

SOURCES

Michigan Compiled Laws 400.109c(1) and (2); 400.109f(1); 330.1206(2)(d). Michigan Social Welfare Act, Public Act 280 of 1939. · 42 CFR 441.301(c)(5), Home and Community-Based Setting Requirements. · Centers for Medicare and Medicaid Services. State Medicaid Director Letter 19-001, Home and Community-Based Settings Regulation, Heightened Scrutiny. March 22, 2019. · Michigan Department of Health and Human Services. Habilitation Supports Waiver MI.0167.R07.01, and proposed policy 2533-BH, December 30, 2025. · 130 CMR 419.000, Day Habilitation Center Services, Commonwealth of Massachusetts. · 10 CCR 2505-10 section 8.7505, Adult Day Services, State of Colorado. · Genesee Intermediate School District, Elmer A. Knopf Learning Center. · KFF. A Look at Waiting Lists for Medicaid Home- and Community-Based Services, 2016 to 2025.

JP

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