

Michigan Department of Health and Human Services

Bulletin Number: MSA 17-05

Distribution: All Providers

Issued: February 1, 2017

Subject: Lead Abatement Services

Effective: As Indicated

Programs Affected: Medicaid, Healthy Michigan Plan, MI Child

NOTE: This policy will be in effect for five years from the effective date or until all homes included in the scope of this initiative have been abated. Continuation of this initiative is subject to Michigan Department of Health and Human Services (MDHHS) review and approval.

Effective for services performed on or after January 1, 2017, MDHHS will implement a targeted and time-limited health services initiative intended to complement other federal, state and local efforts to abate lead hazards from the homes and improve the health of Medicaid and Children's Health Insurance Program (CHIP) eligible individuals. As part of this initiative, the state will provide coordinated and targeted lead abatement services to eligible properties in the impacted areas of Flint, Michigan and other areas within the State of Michigan to ameliorate all lead risks. Abatement services are defined as the removal of lead hazards, including:

- The permanent removal, or enclosure, or encapsulation of lead based paint and lead dust hazards from an eligible residence.
- The removal and replacement of surfaces or fixtures within the eligible residence.
- The removal or covering of soil lead hazards up to the eligible residence property line.
- All preparation, lab sampling analysis, clean up, disposal, and pre- and post-abatement paint, dust, soil and clearance testing activities associated with such measures including pre- and post-abatement water sampling.

Eligible properties include owner-occupied, rental, and those residential structures that a Medicaid or CHIP-eligible individual, under the age of 19, or pregnant woman is currently residing, or visited regularly (e.g., home of a family member, relative, or other informal child care where a child often visits). Visited regularly means a residence other than the eligible individual's legal address where a significant amount of time is spent. Once work has started on an eligible property, all eligible surfaces and fixtures will be abated. Eligible surfaces for abatement activities include all structural components identified during an environmental investigation or the lead inspection/risk assessment as hazards including but not limited to: all window components, doors and door frames, stairs, interior walls and ceilings, painted cabinets, interior railings, painted floors, exterior porches, exterior painted siding, exterior

windows and trim, exterior trim boards, exterior painted siding, trim and doors on garages and other structures, and soil. Eligible fixtures includes all interior plumbing components with the general exception of the interior water meter, which will be addressed in accordance with each community's coordinated plan. In Flint, this also includes the exterior lead service lines that supply drinking water to the home, which shall be completed concurrently or prior to abatement of interior plumbing fixtures funded through this initiative. Outside of Flint, the state will recommend faucet, fixture and/or complete lead service line replacement if water sampling results are above the acceptable level. A home shall not be deemed abated if water results indicate the presence of lead in the water supply line over the acceptable level.

Lead service line replacement must be "complete," meaning that both the public and private portions of the lead service line will be replaced. No partial lead service line replacement will be conducted. The state will supplement, not supplant, other federal, state, and local funds allocated for the removal of lead service lines.

For the purposes of this request, abatement does not include any of the following:

- Work that does not reduce a lead hazard;
- Work not performed by a certified lead abatement professional and/or a licensed plumber;
- Work that is not the responsibility of the property owner or landlord outside the confines of the property lines, with the exception of the public portion of the lead service lines in Flint; or
- Work on dwellings that do not have an eligible Medicaid or CHIP individual, under the age of 19, or pregnant woman residing or frequently visiting;
- Housing costs of the eligible recipient(s) during the abatement process.

I. Provision of Abatement Services

Abatement activities will only be permissible if the services are delivered to properties that a Medicaid or CHIP-eligible individual, under the age of 19, or pregnant woman is currently residing, or visited regularly. Services may be rendered to the physical structure and include the surrounding land up to the property line, and will be coordinated with any lead service line removal that occurs outside of the property line.

Eligible properties in the impacted areas of Flint, Michigan receive priority status. The state will concurrently begin identifying other high-risk communities within Michigan that will be targeted for approved abatement activities. Target communities will be selected based on the following criteria:

- Number/percentage of population under the age of 6 with an elevated blood lead level of ≥ 5 ug/dL;
- Percentage of population that is low-income;
- Number/percentage of pre-1978 and pre-1940 housing stock; and
- Other social determinant factors (e.g., unemployment rate, number/percentage of children receiving state assistance and housing conditions).

For Flint and other targeted communities, an elevated blood lead level test result is not required to qualify for abatement services. In non-targeted areas, eligible beneficiaries must have a confirmed blood lead level ≥ 5 ug/dL.

In Flint, abatement services on eligible properties must be coordinated with the ongoing state and local water service line efforts. Interior plumbing and fixture abatement will be done only after lead service line replacement has been completed. No interior plumbing and fixtures will be abated if the home is connected to the water main via a lead service line. However, non-water related abatement may begin prior to the completion of water related activities.

Additional information relating to an abatement application and provider referrals will be published on the MDHHS Lead Safe Home Program's website at www.michigan.gov/leadsafe.

II. Abatement Certification Requirements

Individuals performing abatement services must be properly certified by the state. Only a person certified by MDHHS as a lead abatement supervisor or lead abatement worker may perform lead abatement activities in accordance with state law.

A supervisor is defined as an individual who has been trained by an accredited training program and certified by MDHHS to supervise and conduct lead abatement services and to prepare occupant protection plans and abatement reports. A lead abatement supervisor is required for each lead abatement job, and must be present at the job site while all abatement work is being done. This requirement includes set-up and clean-up time. The lead abatement supervisor must ensure that all abatement work is done within the limits of federal, state, and local laws.

A lead abatement worker is an individual who has been trained to perform abatements by an accredited training program and who is certified by MDHHS to perform lead abatement. Professionals certified by MDHHS are issued a card containing the person's picture, name, certification number, and expiration date. All certified professionals must work for a MDHHS certified lead abatement company. The abatement company and its employees must use abatement methods approved by the U.S. Department of Housing and Urban Development (HUD) and/or the U.S. Environmental Protection Agency (EPA) and in accordance with state laws and regulations.

MDHHS may certify entities who meet the professional requirements for lead service line removal and have been contracted to do such work under an approved coordinated plan.

Contractors are encourage to complete the Lead Safe Home Program contractor application published on the MDHHS Lead Safe Home Program's website at www.michigan.gov/leadsafe.

III. Post-Abatement Requirements

Reimbursement for abatement activities will only occur when performance of these activities are proven to be effective in abating all identified lead hazards. State and federal laws dictate that a clearance test must be performed after any lead abatement work is finished to verify the work area is safe enough for the eligible resident(s) to return. On the inside of a house or apartment, the dust is tested to confirm that abatement work has not created lead dust hazards that can poison young children, other occupants, or pets living in the building as defined in state law.

Water sampling will also be conducted to confirm that respective plumbing component replacement has successfully reduced lead levels in the drinking water of affected homes.

Only a certified lead inspector or lead risk assessor, who is independent of the abatement company, may perform clearance testing after abatement work is completed. A certified lead inspector is defined as an individual who has been trained by an accredited training program and certified by MDHHS to conduct inspections and take samples for the presence of lead in paint, dust and soil for the purpose of abatement clearance testing. A certified risk assessor is defined as an individual who has been trained by an accredited training program and certified by MDHHS to conduct inspections and risk assessments and to take samples for the presence of lead in paint, dust and soil for the purpose of abatement clearance testing.

During the clearance testing, an interior visual inspection is performed to confirm that the identified lead hazards have been abated. These professionals also inspect for the presence of any visible dust or paint chips. If any problems are found, the lead abatement supervisor must resolve all of them before the clearance testing may continue. After the visual inspection passes, the lead inspector or risk assessor must take dust wipe samples that are sent to a lab for analysis. Clearance dust samples must be taken from the floors, windowsills, and window troughs in the rooms where work was done. At least one sample must be taken from outside the work area if containment was used and from each unique passageway. If no containment was used, then dust wipe samples may be taken in any room. A floor and a window in at least four rooms must be sampled. The samples must be tested for lead by an EPA-approved lab. After exterior paint abatement work is completed, an inspector or risk assessor must perform a visual inspection of the outdoor work area to ensure that the lead hazards were properly addressed. The lead inspector or lead risk assessor will then look for any paint chips on the ground, including the foundation of the house, garage, or below any exterior surface abated. If paint chips are present, the abatement company must remove the chips and debris from the site and properly dispose of them before the clearance can be finished. No dust wipe clearance testing is required for abatement on the exterior of a house or rental property.

Water sampling protocols will follow prescribed methodology required in the EPA Lead and Copper rule. Refer to the EPA website at www.epa.gov/dwreginfo/lead-and-copper-rule for additional information relating to this rule.

IV. Metrics

This initiative will abate identified lead hazards from the homes and improve the health of Medicaid and CHIP eligible individuals, both in Flint and throughout Michigan. Abatement services will reduce the potential for ongoing exposure or re-exposure to lead hazards for the eligible population and future populations. A registry of these ameliorated properties will be maintained by the state.

Key metrics the State of Michigan will track and report to the Centers for Medicare and Medicaid Services monthly or at another approved interval include:

- The number of houses identified with high levels of lead hazards in each of the targeted area(s).
- The number of homes in each of the targeted areas scheduled for lead hazard abatement.
- The number of homes in each of the targeted areas in which lead hazard abatement has occurred.
 - Number of houses abated for pregnant women.
 - Number of houses abated for Medicaid or CHIP children under the age of 19.
- Record of actual services provided in each house.
- Clearance testing results.
- Percentage of children receiving blood lead testing under Early and Periodic Screening, Diagnosis and Treatment (EPSDT) statewide and in the areas targeted by this health services initiative.
- Percentage of children with elevated blood lead levels statewide and in the areas served by this health services initiative.

The results of the clearance testing will be maintained by the state. These testing results will have numbers with units of measurement; the units are different for dust and soil. EPA and HUD regulations define clearance lead levels with the values and units of measurement shown in the table below.

Material Tested	Considered hazardous if lead is present at or above these levels*
Bare soil (child play areas)	At or above 400 parts per million (ppm) of lead in the soil
Bare soil (other areas)	At or above 1200 ppm of lead
Water	Equal to or more than 15 parts per billion (ppb) of lead in water
House dust (floors)	At or above 40 micrograms of lead per square foot of sampled area (ug/ft ²)
House dust (window sills)	At or above 250 ug/ft ² of lead
House dust (window troughs)	At or above 400 ug/ft ² of lead

Material Tested	Considered hazardous if lead is present at or above these levels*
Paint tested by an X-Ray Fluorescence (XRF) analyzer	Equal to or more than 1.0 milligrams per square centimeter (mg/cm ²) of lead on a deteriorated sampled surface or an elevated dust wipe sample corresponding to the lead surface
Paint tested by paint chip analysis	Equal to or more than 0.5 percent (one half of 1 percent) lead by dry weight, or equal to or more than 5,000 ppm of lead in paint

** All levels indicated in the table above will be utilized until and unless more stringent guidelines are promulgated at the state or federal level.*

Manual Maintenance

Providers may choose to either retain or discard this bulletin after review. Information is time-limited and will not be incorporated into any policy or procedure manuals.

Questions

Any questions regarding this bulletin should be directed to Provider Inquiry, Department of Health and Human Services, P.O. Box 30731, Lansing, Michigan 48909-8231, or e-mail at ProviderSupport@michigan.gov. When you submit an e-mail be sure to include your name, affiliation, and phone number so you may be contacted if necessary. Providers may phone toll-free 1-800-292-2550.

Approved



Chris Priest, Director
Medical Services Administration