



**House
Legislative
Analysis
Section**

Olds Plaza Building, 10th Floor
Lansing, Michigan 48909
Phone: 517/373-6466

NURSING HOMES: MEDICARE

House Bill 5277

Sponsor: Rep. Perry Bullard

Committee: Public Health

Complete to 11-6-91

A SUMMARY OF HOUSE BILL 5277 AS INTRODUCED 10-22-91

The bill would repeal the existing part of the Public Health Code concerning Medicaid and Medicare certification of nursing home beds and instead (a) require that all nursing home beds be certified for Medicare and for Medicaid intermediate care and (b) prohibit the Department of Public Health from licensing nursing homes unless each nursing home bed certified as a Medicare bed also was certified as a Medicaid bed. The bill also would prohibit nursing homes from transferring patients involuntarily and would add penalties for violations of the bill.

Medicare certification exceptions. A nursing home (or part of a nursing home) that was certified as a special mental retardation or mental illness nursing home would be exempt from the bill's Medicare certification requirement. The Department of Social Services also could exempt nursing homes that had been deemed by the federal Department of Health and Human Services as ineligible for Medicare certification.

Involuntary transfers or discharges. The Public Health Code currently prohibits nursing homes from transferring or discharging patients against their will except for medical reasons or for the patient's welfare (or that of other patients or staff). The bill would specifically prohibit nursing homes from involuntarily transferring or discharging patients solely because the patient became eligible for, applied for, or received Medicaid.

Penalties. Anyone violating the bill's provision would be liable for treble damages or \$1,000 (whichever were greater), together with costs and reasonable attorney fees. In addition, anyone alleging a violation could sue for injunctive relief and, if successful, would be awarded costs and reasonable attorney fees.

Repealer. Currently, skilled nursing facilities that participate in the Medicaid program also must be certified for, and actively participate in, the Medicare program. Each nursing home bed certified under the Medicare program also must be certified to provide skilled nursing care under the Medicaid program (with the two exceptions that would be kept in the bill). The bill would repeal this section of the health code.

MCL 333.21773 and 333.21799f

House Bill 5277 (11-6-91)