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BILL ANALYSIS

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House Bill 5689 (Substitute S-2 as reported)  
Sponsor: Representative Randy Richardville  
House Committee: Senior Health, Security and Retirement  
Senate Committee: Health Policy

## **CONTENT**

The bill would amend the Public Health Code to allow the Department of Consumer and Industry Services (DCIS) to require a nursing home to appoint a temporary advisor or manager approved by the DCIS, under circumstances specified in the bill; require the DCIS to report to the Legislature each year the number of advisors or managers appointed; prohibit the DCIS from ordering the removal of a resident from a home for the aged, under certain circumstances; and require a nursing home or a home for the aged to offer its residents an influenza vaccination each year.

Currently, if the DCIS finds that a nursing home is not in compliance with the Code, an administrative rule, or a Federal law or regulation governing nursing home certification, and that the noncompliance impairs the ability of the licensee to deliver an acceptable level of care and services, the Department may take any of several actions specified in the Code, including suspending the admission or readmission of patients to the nursing home, or reducing its licensed capacity. The bill would authorize the DCIS also to do either of the following:

- Require appointment, at the expense of the nursing home, of a Department-approved temporary administrative advisor or clinical advisor, or both, with authority and duties specified by the DCIS, to assist the nursing home's management and staff to achieve sustained compliance with required operating standards.
- Require appointment, at the expense of the nursing home, of a Department-approved temporary manager with authority and duties specified by the DCIS, to oversee efforts to achieve sustained compliance with required operating standards or to oversee the orderly closure of the nursing home.

Under the bill, the DCIS could take the current or proposed actions in the case of a nursing home's noncompliance or closure.

The bill provides that if a resident in a home for the aged were receiving a higher level of care than was allowed under the home's license, the DCIS could not order the resident removed if the resident's family and the home's owner, operator, and governing body consented to the resident's continued stay, and agreed to cooperate in providing the higher level of care.

MCL 333.21799b et al.

Legislative Analyst: G. Towne

## **FISCAL IMPACT**

The bill would have no fiscal impact on State or local government.

Date Completed: 12-4-00

Fiscal Analyst: M. Tyszkiewicz