



HOUSE BILL No. 5844

May 25, 2000, Introduced by Rep. Patterson and referred to the Committee on Senior Health, Security and Retirement.

A bill to amend 1978 PA 368, entitled
"Public health code,"
(MCL 333.1101 to 333.25211) by adding section 21723.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 21723. (1) A NURSING HOME SHALL CREATE A POSITION
2 WHICH SHALL BE KNOWN AS A RESIDENT ADVOCATE. A RESIDENT ADVOCATE
3 SHALL ACT AS A LIAISON BETWEEN THE NURSING HOME AND EACH OF THE
4 NURSING HOME'S RESIDENTS OR, IF A RESIDENT HAS A DESIGNATED LEGAL
5 REPRESENTATIVE, BETWEEN THE NURSING HOME AND THE RESIDENT'S LEGAL
6 REPRESENTATIVE. A NURSING HOME MAY DESIGNATE 1 OR MORE CURRENT
7 EMPLOYEES TO FULFILL THE DUTIES AND RESPONSIBILITIES AS RESIDENT
8 ADVOCATES FOR PURPOSES OF THIS SUBSECTION.
9 (2) A NURSING HOME SHALL ASSURE THAT IT HAS A RESIDENT
10 ADVOCATE ON DUTY AND ON SITE NOT LESS THAN 24 HOURS PER DAY, 7
11 DAYS A WEEK.

1 (3) AS LONG AS THE REQUIREMENTS OF SUBSECTION (2) ARE MET, A
2 RESIDENT ADVOCATE HIRED OR DESIGNATED UNDER SUBSECTION (1) MAY
3 PERFORM AT LEAST SOME OF HIS OR HER DUTIES OFF THE PREMISES OF
4 THE NURSING HOME, IF HE OR SHE IS AVAILABLE BY TELEPHONE OR
5 PAGER, OR BOTH. A NURSING HOME SHALL GIVE THE RESIDENT
6 ADVOCATE'S TELEPHONE NUMBER OR PAGER NUMBER, OR BOTH, TO EACH
7 RESIDENT OF THE NURSING HOME OR, IF THE RESIDENT HAS A LEGAL REP-
8 RESENTATIVE, TO THE RESIDENT'S LEGAL REPRESENTATIVE.

9 (4) A RESIDENT ADVOCATE WHO RECEIVES AN ORAL COMPLAINT OR
10 QUESTION FROM A NURSING HOME RESIDENT OR THE RESIDENT'S DESIG-
11 NATED LEGAL REPRESENTATIVE SHALL LOG THE COMPLAINT OR QUESTION ON
12 A 1-PAGE WRITTEN FORM. THE DEPARTMENT MAY DEVELOP, PUBLISH, AND
13 DISTRIBUTE A MODEL FORM FOR PURPOSES OF THIS SUBSECTION. THE
14 FORM SHALL BE IN TRIPLICATE AND SHALL CONTAIN SPACES FOR AT LEAST
15 ALL OF THE FOLLOWING INFORMATION:

16 (A) THE NAME OF THE RESIDENT SUBMITTING THE COMPLAINT OR
17 QUESTION. IF THE RESIDENT HAS A DESIGNATED LEGAL REPRESENTATIVE
18 WHO SUBMITS THE COMPLAINT OR QUESTION, THE FORM SHALL ALSO
19 INCLUDE SPACE FOR THE LEGAL REPRESENTATIVE'S NAME AND THE NATURE
20 OF THE LEGAL REPRESENTATION PROVIDED.

21 (B) THE ROOM NUMBER OF THE RESIDENT SUBMITTING THE COMPLAINT
22 OR QUESTION OR ON WHOSE BEHALF THE COMPLAINT OR QUESTION IS
23 SUBMITTED.

24 (C) THE NATURE OF THE COMPLAINT OR QUESTION SUBMITTED.

25 (D) IDENTIFICATION OF WHICH 1 OF THE FOLLOWING CATEGORIES
26 AND CORRESPONDING RESPONSE TIME REQUIREMENTS INTO WHICH THE
27 COMPLAINT OR QUESTION FALLS:

1 (i) AN EMERGENCY THAT REQUIRES AN IMMEDIATE RESPONSE.

2 (ii) A CRITICAL SITUATION THAT REQUIRES A REASONABLY PROMPT
3 RESPONSE.

4 (iii) A NONCRITICAL SITUATION THAT REQUIRES AN APPROPRIATELY
5 TIMELY RESPONSE.

6 (E) A PLAN OF ACTION FOR THE COMPLAINT OR QUESTION AND AN
7 ESTIMATED TIME FRAME WITHIN WHICH THE ACTION WILL OCCUR.

8 (5) A RESIDENT ADVOCATE WHO FILLS OUT A FORM UNDER SUBSEC-
9 TION (4) SHALL GIVE 1 COPY OF THE FORM TO THE RESIDENT OR LEGAL
10 REPRESENTATIVE SUBMITTING THE COMPLAINT OR QUESTION, 1 COPY TO
11 THE NURSING HOME ADMINISTRATOR OF THE NURSING HOME, AND SHALL
12 RETAIN 1 COPY. THE RESIDENT ADVOCATE SHALL RETAIN HIS OR HER
13 COPY FOR NOT LESS THAN 1 YEAR AFTER THE COMPLAINT OR QUESTION IS
14 RESOLVED.

15 (6) A NURSING HOME SHALL ASSURE THAT A RESIDENT ADVOCATE
16 DESIGNATED OR HIRED UNDER SUBSECTION (1) IS EASILY IDENTIFIABLE
17 BY POSTING THE NAME AND WORK HOURS OF EACH RESIDENT ADVOCATE AND
18 BY REQUIRING EACH RESIDENT ADVOCATE TO WEAR AN IDENTIFICATION
19 BADGE.

20 (7) A NURSING HOME SHALL MAKE EVERY REASONABLE EFFORT TO SEE
21 THAT A PLAN OF ACTION PREPARED BY A RESIDENT ADVOCATE UNDER SUB-
22 SECTION (4)(E) IS CARRIED OUT WITHIN THE TIME FRAME SET FORTH IN
23 THE PLAN OF ACTION.