



**House
Legislative
Analysis
Section**

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**NURSING HOMES; INVOLUNTARY
TRANSFER**

House Bill 4345

Sponsor: Rep. Jennifer Faunce

**Committee: Senior Health, Security and
Retirement**

Complete to 3-9-01

A SUMMARY OF HOUSE BILL 4345 AS INTRODUCED 2-27-01

The Public Health Code prohibits a nursing home from involuntarily discharging or transferring a patient, except for medical reasons, for the patient's welfare, for the welfare of other patients or facility employees, or for nonpayment (but only as allowed under federal law).

The bill would amend this provision with regard to transfers for nonpayment. Under the bill, a nursing home that voluntarily withdraws from participation in the Medicaid program, but continues to provide service, could not involuntarily transfer or discharge a patient who resided in the nursing home on the day before the home's withdrawal from the Medicaid program except as allowed under federal law (whether or not the patient was eligible for Medicaid benefits). The prohibition against transfer would remain in effect unless the patient met one of the other listed criteria for an allowable involuntary discharge (medical reasons, etc.).

Title XIX of the federal Social Security Act, Section 1396r, specifies that "the facility's voluntary withdrawal from participation [in the Medicaid program] is not an acceptable basis for the transfer or discharge of residents of the facility who were residing in the facility on the day before the effective date of the withdrawal (including those residents who were not entitled to medical assistance as of such day)".

The bill would further require a nursing home to provide oral and written notice to new patients (after withdrawing from the Medicaid program) that the nursing home does not participate in Medicaid, and that the home could involuntarily transfer or discharge a patient for nonpayment even if the patient were eligible for Medicaid.

MCL 333.21773

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