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SFA



BILL ANALYSIS

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House Bill 4195 (Substitute S-1 as passed the Senate)
Sponsor: Representative Bruce Patterson
House Committee: Senior Health, Security and Retirement
Senate Committee: Health Policy

Date Completed: 2-7-02

RATIONALE

Administrative Rule 325.20113 requires a nursing home to adopt written policies and procedures to implement patients' rights and responsibilities, as prescribed in the Public Health Code. The rule requires that the policy and procedures be available, before and after admission, to the patient, next of kin, member of the family, guardian, employees of the facility, and the public, among others. The procedures must include provisions for the initiation, investigation, and resolution of complaints. Apparently there have been some cases in which nursing home patients or family members were unaware of these procedures or unsure of where to direct a complaint or question. It has been suggested that nursing homes be required to post the name and contact information about the staff member designated to receive complaints, and have a designated individual on duty at all times; and that the Department of Consumer and Industry Services should post nursing home information on its website.

CONTENT

The bill would amend the Public Health Code to require a nursing home to post, in an area accessible to residents, employees, and visitors, the name, title, location, and telephone number of an individual in the nursing home who was responsible for receiving complaints and conducting complaint investigations, and a procedure for communicating with that individual. Further, the bill would require an individual responsible for receiving complaints and conducting investigations to be on duty and on site 24 hours per day, seven days a week.

An individual who received a complaint, inquiry, or request from a nursing home resident or the resident's surrogate decision-maker would have to respond using the nursing home's established procedures, pursuant to R 325.20113 of the Michigan Administrative Code.

A nursing home that received Medicaid reimbursement would have to designate one or more current employees to fulfill the requirements of the bill. The bill specifies that this provision would not constitute a basis for increasing nursing home staffing levels.

To assist individuals responsible for receiving nursing home complaints to perform their duties, the Department of Consumer and Industry Services (DCIS) would have to post on its Internet website the following information:

- Links to Federal and State regulations and rules governing the nursing home industry.
- The scheduling of any training or joint training sessions concerning nursing home or elderly care issues being put on by the DCIS.
- A list of long-term care contact phone numbers, including the DCIS complaint hotline, the DCIS nursing home licensing division, any commonly known nursing home provider groups, the State long-term care ombudsman, and any commonly known nursing home patient care advocacy groups.
- Information on the availability of electronic mail access, to file a complaint concerning nursing home violations directly with the DCIS.



-- Any other information that the DCIS believed was helpful in responding to complaints, requests, and inquiries of a nursing home resident or his or her surrogate decision-maker.

Proposed MCL 333.21723

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

The bill would require nursing homes to post the name, location, and phone number of a person responsible for responding to complaints, so that patients and families would know which staff member to contact and how to reach that person. The bill also would require that nursing homes be staffed with such an individual at all times, in order to maintain a safe environment for all patients. This would help resolve the concerns of nursing home patients and their families, and ensure that all patients would receive the highest quality of care and be treated with respect.

In addition, by requiring the Department to post certain information on its website, the bill would help nursing homes track and respond to patients' needs in a timely and coordinated fashion.

Legislative Analyst: Nobuko Nagata

FISCAL IMPACT

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

Fiscal Analyst: Maria Tyszkiewicz

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.