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House Bill 5146 (Substitute S-1 as reported by the Committee of the Whole)
Sponsor: Representative Joanne Voorhees
House Committee: Health, Security and Retirement
Senate Committee: Health Policy

CONTENT

The bill would amend the Public Health Code to do all of the following:

- Specify "clarifications" of the terms "immediate jeopardy", "actual harm", and "avoidable" and "unavoidable" negative outcomes, for purposes of the Code's requirement that the Department of Consumer and Industry Services (DCIS), in consultation with other groups, clarify those terms as they are used in the regulation of nursing homes.
- Require the DCIS to develop clinical process guidelines and compliance protocols with outcome measures for applying the terms.
- Require the DCIS to create a clinical advisory committee to review and make recommendations regarding the clinical process guidelines.
- Require the DCIS to create a process by which the issuance of a citation for immediate jeopardy or substandard quality of care for nursing homes would be reviewed and authorized before a statement of deficiencies was finalized.
- Allow the DCIS to give grants, awards, or other recognition to nursing homes to encourage the implementation of the clinical process guidelines.
- Require the DCIS to report annually on the implementation of the clinical process guidelines and their impact on resident care to the legislative committees with jurisdiction over nursing home matters.

Under the Code, the DCIS, in consultation with nursing home provider groups, the American Medical Directors Association, the Department of Community Health, the State Long-Term Care Ombudsman, and the Federal Health Care Finance Administration, must clarify the terms "immediate jeopardy", "harm", "potential harm", "avoidable", and "unavoidable" as they are used in Titles XVIII (Medicare) and XIX (Medicaid) of the Social Security Act and applied by the DCIS to provide more consistent regulation of nursing homes in Michigan. Under the bill, this requirement would apply to a "clarification work group" composed of the DCIS, a nursing home resident or member of a nursing home resident's family, and the other entities, except that the bill would refer to the Federal Centers for Medicare and Medicaid Services, instead of the Health Care Finance Administration.

MCL 333.20155

Legislative Analyst: N. Nagata

FISCAL IMPACT

The bill would require the Department to participate in a clarification work group as well as create a clinical advisory committee regarding these guidelines. Additionally, the Department would be required to file an annual report regarding the implementation of the newly created guidelines. All of these additional responsibilities would increase the costs of regulating this industry but would be covered with existing resources so there should be no fiscal impact.

Date Completed: 12-4-01

Fiscal Analyst: M. Tyszkiewicz

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Analysis available @ <http://www.michiganlegislature.org>

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