

**SUBSTITUTE FOR
HOUSE BILL NO. 4451**

A bill to amend 1978 PA 368, entitled
"Public health code,"
(MCL 333.1101 to 333.25211) by adding section 21769.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 21769. (1) AS USED IN THIS SECTION, "COMMISSION" MEANS
2 THE NURSING HOME QUALITY OF LIFE REVIEW COMMISSION.

3 (2) THE NURSING HOME QUALITY OF LIFE REVIEW COMMISSION IS
4 CREATED WITHIN THE DEPARTMENT OF COMMUNITY HEALTH.

5 (3) THE COMMISSION SHALL CONSIST OF THE FOLLOWING 9 MEMBERS,
6 APPOINTED BY THE GOVERNOR:

7 (A) ONE MEMBER FROM THE DEPARTMENT OF COMMUNITY HEALTH,
8 KNOWLEDGEABLE IN FEDERAL GUIDELINES FOR NURSING HOMES AS ISSUED
9 BY THE FEDERAL HEALTH CARE FINANCING AUTHORITY.

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1 (B) ONE MEMBER FROM THE DEPARTMENT OF CONSUMER AND INDUSTRY
2 SERVICES, REPRESENTING THOSE INDIVIDUALS CONDUCTING SURVEYS OF
3 NURSING HOMES UNDER SECTION 20155.

4 (C) ONE MEMBER WHO IS A PHYSICIAN SPECIALIZING IN THE PRAC-
5 TICE OF GERIATRIC MEDICINE, REPRESENTING THE MEDICAL COMMUNITY.

6 (D) TWO MEMBERS REPRESENTING NURSING HOME REFORM OR NURSING
7 HOME PATIENT ADVOCACY GROUPS, OR BOTH.

8 (E) TWO MEMBERS REPRESENTING NURSING HOMES, WITH 1 MEMBER
9 BEING A SUPERVISOR, REGISTERED NURSE, OR LICENSED PRACTICAL
10 NURSE, BUT NOT A DIRECTOR OF NURSING, WHO IS DIRECTLY INVOLVED IN
11 THE DELIVERY OF SERVICES TO RESIDENTS.

12 (F) ONE NURSING HOME RESIDENT.

13 (G) ONE FAMILY MEMBER OF A NURSING HOME RESIDENT.

14 (4) THE MEMBERS FIRST APPOINTED TO THE COMMISSION SHALL BE
15 APPOINTED WITHIN 120 DAYS AFTER THE EFFECTIVE DATE OF THIS
16 SECTION.

17 (5) MEMBERS OF THE COMMISSION SHALL SERVE FOR TERMS OF 4
18 YEARS OR UNTIL A SUCCESSOR IS APPOINTED, WHICHEVER IS LATER,
19 EXCEPT THAT OF THE MEMBERS FIRST APPOINTED 2 SHALL SERVE FOR 1
20 YEAR, 3 SHALL SERVE FOR 2 YEARS, AND 4 SHALL SERVE FOR 3 YEARS.

21 (6) IF A VACANCY OCCURS ON THE COMMISSION, THE GOVERNOR
22 SHALL MAKE AN APPOINTMENT FOR THE UNEXPIRED TERM IN THE SAME
23 MANNER AND FROM THE SAME CATEGORY AS THE ORIGINAL APPOINTMENT.

24 (7) THE GOVERNOR MAY REMOVE A MEMBER OF THE COMMISSION FOR
25 INCOMPETENCY, DERELICTION OF DUTY, MALFEASANCE, MISFEASANCE, OR
26 NONFEASANCE IN OFFICE, OR ANY OTHER GOOD CAUSE.

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1 (8) THE FIRST MEETING OF THE COMMISSION SHALL BE CALLED BY
2 THE DIRECTOR OF THE DEPARTMENT OF COMMUNITY HEALTH. AT THE FIRST
3 MEETING, AND ANNUALLY THEREAFTER, THE COMMISSION SHALL ELECT FROM
4 AMONG ITS MEMBERS A CHAIRPERSON AND OTHER OFFICERS AS IT CONSID-
5 ERS NECESSARY OR APPROPRIATE. AFTER THE FIRST MEETING, THE COM-
6 MISSION SHALL MEET AT LEAST QUARTERLY, OR MORE FREQUENTLY AT THE
7 CALL OF THE CHAIRPERSON, OR IF REQUESTED BY 5 OR MORE MEMBERS.

8 (9) A MAJORITY OF THE MEMBERS OF THE COMMISSION CONSTITUTE A
9 QUORUM FOR THE TRANSACTION OF BUSINESS AT A MEETING OF THE
10 COMMISSION. A MAJORITY OF THE MEMBERS PRESENT AND SERVING IS
11 REQUIRED FOR OFFICIAL ACTION OF THE COMMISSION.

12 (10) THE BUSINESS THAT THE COMMISSION MAY PERFORM SHALL BE
13 CONDUCTED AT A PUBLIC MEETING OF THE COMMISSION HELD IN COMPLI-
14 ANCE WITH THE OPEN MEETINGS ACT, 1976 PA 267, MCL 15.261 TO
15 15.275.

16 (11) A WRITING PREPARED, OWNED, USED, IN THE POSSESSION OF,
17 OR RETAINED BY THE COMMISSION IN THE PERFORMANCE OF AN OFFICIAL
18 FUNCTION IS SUBJECT TO THE FREEDOM OF INFORMATION ACT, 1976 PA
19 442, MCL 15.231 TO 15.246, EXCEPT THAT CONFIDENTIAL MEDICAL,
20 SOCIAL, PERSONAL, OR FINANCIAL INFORMATION IDENTIFYING A PATIENT
21 IS NOT AVAILABLE FOR PUBLIC INSPECTION IN A MANNER THAT IDENTI-
22 FIES THE PATIENT.

23 (12) MEMBERS OF THE COMMISSION SHALL SERVE WITHOUT
24 COMPENSATION. HOWEVER, MEMBERS OF THE COMMISSION MAY BE REIM-
25 BURSED FOR THEIR ACTUAL AND NECESSARY EXPENSES INCURRED IN THE
26 PERFORMANCE OF THEIR OFFICIAL DUTIES AS MEMBERS OF THE
27 COMMISSION.

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1 (13) WITH THE ASSISTANCE OF THE DEPARTMENT OF COMMUNITY
2 HEALTH, THE COMMISSION SHALL DO ALL OF THE FOLLOWING:

3 (A) REQUEST AND REVIEW ALL REPORTS RESULTING FROM SURVEYS OF
4 NURSING HOMES CONDUCTED UNDER SECTION 20155 AND RESULTING FROM
5 SURVEYS OF NURSING HOMES CONDUCTED BY THE HEALTH CARE FINANCING
6 ADMINISTRATION.

7 (B) ESTABLISH A SATISFACTION SURVEY TO BE DISTRIBUTED TO ALL
8 NURSING HOME RESIDENTS, FAMILY MEMBER OF A RESIDENT, OR THE
9 PERSON LEGALLY RESPONSIBLE FOR THE RESIDENT DESIGNED TO ELICIT
10 FEEDBACK FROM NURSING HOME RESIDENTS REGARDING STAFF PERFORMANCE
11 AND NURSING HOME CONDITIONS FOR THOSE NURSING HOMES NOT SUBJECT
12 TO OR NOT PARTICIPATING IN A SUBSTANTIALLY SIMILAR SURVEY.

13 (C) FOR THE PURPOSES OF SUBDIVISION (A), ESTABLISH REVIEW
14 CRITERIA UTILIZING THE GUIDELINES SPECIFIED BY THE FEDERAL HEALTH
15 CARE FINANCING AUTHORITY.

16 (D) CONDUCT QUARTERLY MEETINGS WITH THE DEPARTMENT'S SURVEY
17 TEAMS TO DISCUSS ALL OF THE FOLLOWING:

18 (i) FREQUENTLY CITED VIOLATIONS.

19 (ii) NURSING HOMES THAT ARE CITED FOR VIOLATIONS SIGNIFI-
20 CANTLY MORE OFTEN THAN OTHER NURSING HOMES.

21 (iii) POSSIBLE REMEDIES TO THE DISCUSSION ITEMS DESCRIBED IN
22 SUBPARAGRAPHS (i) AND (ii).

23 (E) PRESENT AN INITIAL WRITTEN REPORT TO THE DEPARTMENT OF
24 COMMUNITY HEALTH, DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES,
25 THE GOVERNOR, THE LEGISLATURE, AND THE ATTORNEY GENERAL WITHIN 1
26 YEAR AFTER THE INITIAL APPOINTMENT OF THE NURSING HOME QUALITY OF

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1 LIFE REVIEW COMMISSION MEMBERS. THIS REPORT SHALL INCLUDE ALL OF
2 THE FOLLOWING INFORMATION:

3 (i) FINDINGS DETAILING PROBLEMS, ABUSES, EFFICIENCIES, AND
4 SUCCESSES AS RELATED TO THE SURVEY PROCESS CONDUCTED UNDER SEC-
5 TION 20155.

6 (ii) A FINANCIAL AUDIT AND RECOMMENDATIONS FOR FUNDING OF
7 THE SURVEY PROCESS CONDUCTED UNDER SECTION 20155.

8 (iii) AN EXAMINATION OF THIS STATE'S COMPLIANCE WITH THE
9 FEDERAL HEALTH CARE FINANCING AUTHORITY GUIDELINES FOR NURSING
10 HOME SURVEYS DETAILING SUCCESSES AND FAILURES WITH COMPLIANCE
11 WITH THE GUIDELINES.

12 (F) AFTER THE INITIAL WRITTEN REPORT UNDER SUBDIVISION (E),
13 PROVIDE AN ANNUAL WRITTEN REPORT OF THE COMMISSION'S ACTIVITIES,
14 FINDINGS, AND RECOMMENDATIONS TO THE DEPARTMENT OF COMMUNITY
15 HEALTH, THE DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES, THE
16 GOVERNOR, THE LEGISLATURE, AND THE ATTORNEY GENERAL.

17 (G) REVIEW THE REPORTS DESCRIBED IN SUBDIVISION (A) BIANNU-
18 ALLY FOR CHANGES REFLECTING THE LATEST DEVELOPMENTS IN GERIATRIC
19 SOCIAL AND MEDICAL PRACTICE.

20 (14) THE COMMISSION MAY APPOINT ADVISORY COMMITTEES AS CON-
21 sidered NECESSARY BY THE COMMISSION. MEMBERS OF AN ADVISORY COM-
22 MITTEE APPOINTED UNDER THIS SUBSECTION ARE NOT COMPENSATED FOR
23 THEIR SERVICE, BUT MAY BE REIMBURSED FOR ACTUAL AND NECESSARY
24 EXPENSES INCURRED IN THE PERFORMANCE OF THEIR DUTIES.

25 (15) THE DEPARTMENT OF COMMUNITY HEALTH SHALL PROVIDE OFFICE
26 SPACE, SUPPLIES, CLERICAL ASSISTANCE, ADMINISTRATIVE ASSISTANCE,

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1 AND OTHER STAFF AS NECESSARY FOR THE COMMISSION IN THE
2 PERFORMANCE OF ITS DUTIES.