

HOUSE BILL No. 4195

February 13, 2001, Introduced by Reps. Patterson, Richardville, Spade, Raczkowski, Koetje, Bovin, Cameron Brown, Schauer, Gilbert, Meyer, Birkholz, Faunce, Kolb, Woodward, Bishop, Garcia, Vander Roest, Hardman and Richner 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 DESIGNATE AN INDIVID-
2 UAL WHO SHALL SERVE AS A RESIDENT REPRESENTATIVE. A RESIDENT
3 REPRESENTATIVE SHALL ACT AS A LIAISON BETWEEN THE NURSING HOME
4 AND A NURSING HOME RESIDENT OR A RESIDENT'S SURROGATE DECISION
5 MAKER TO RESOLVE COMPLAINTS OR TO RESPOND TO INQUIRIES OR
6 REQUESTS ON AN INFORMAL BASIS. A NURSING HOME MAY DESIGNATE 1 OR
7 MORE CURRENT EMPLOYEES TO FULFILL THE DUTIES AND RESPONSIBILITIES
8 OF A RESIDENT REPRESENTATIVE FOR PURPOSES OF THIS SUBSECTION.
9 (2) A NURSING HOME SHALL ASSURE THAT IT HAS A RESIDENT
10 REPRESENTATIVE ON DUTY AND ON SITE NOT LESS THAN 24 HOURS PER
11 DAY, 7 DAYS A WEEK.

1 (3) AS LONG AS THE REQUIREMENTS OF SUBSECTION (2) ARE MET,
2 IN AN EMERGENCY, IF A RESIDENT REPRESENTATIVE CANNOT PERFORM HIS
3 OR HER DUTIES, THE NURSING HOME SHALL DESIGNATE ANOTHER NURSING
4 HOME EMPLOYEE TO ACT AS THE TEMPORARY RESIDENT REPRESENTATIVE
5 UNTIL THE RESIDENT REPRESENTATIVE IS ABLE TO RESUME HIS OR HER
6 DUTIES.

7 (4) A RESIDENT REPRESENTATIVE WHO RECEIVES A COMPLAINT,
8 INQUIRY, OR REQUEST FROM A NURSING HOME RESIDENT OR THE
9 RESIDENT'S SURROGATE DECISION MAKER SHALL RESPOND TO THE INQUIRY
10 OR REQUEST IN A TIMELY MANNER AND SHALL RESPOND TO A COMPLAINT
11 PURSUANT TO R 325.20113 OF THE MICHIGAN ADMINISTRATIVE CODE.

12 (5) A NURSING HOME SHALL ASSURE THAT A RESIDENT REPRESENTA-
13 TIVE DESIGNATED UNDER SUBSECTION (1) IS EASILY IDENTIFIABLE BY
14 POSTING THE NAME AND WORK HOURS OF EACH RESIDENT REPRESENTATIVE
15 FOR THAT DAY IN A CONSPICUOUS PLACE AND BY REQUIRING EACH RESI-
16 DENT REPRESENTATIVE TO WEAR AN IDENTIFICATION BADGE THAT CLEARLY
17 IDENTIFIES THE WEARER AS A RESIDENT REPRESENTATIVE.

18 (6) TO ASSIST THE NURSING HOME RESIDENT REPRESENTATIVE IN
19 PERFORMING HIS OR HER DUTIES, THE DEPARTMENT OF CONSUMER AND
20 INDUSTRY SERVICES SHALL POST ON ITS INTERNET WEBSITE ALL OF THE
21 FOLLOWING INFORMATION:

22 (A) LINKS TO FEDERAL AND STATE REGULATIONS AND RULES GOVERN-
23 ING THE NURSING HOME INDUSTRY.

24 (B) THE SCHEDULING OF ANY TRAINING OR JOINT TRAINING SES-
25 SIONS CONCERNING NURSING HOME OR ELDERLY CARE ISSUES BEING PUT ON
26 BY THE DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES.

1 (C) A LIST OF LONG-TERM CARE CONTACT PHONE NUMBERS
2 INCLUDING, BUT NOT LIMITED TO, THE CONSUMER AND INDUSTRY SERVICES
3 24 HOUR HOT-LINE, THE CONSUMER AND INDUSTRY SERVICES NURSING HOME
4 LICENSING DIVISION, ANY COMMONLY KNOWN NURSING HOME PROVIDER
5 GROUPS, THE STATE LONG-TERM CARE OMBUDSMAN, AND ANY COMMONLY
6 KNOWN NURSING HOME PATIENT CARE ADVOCACY GROUPS.

7 (D) INFORMATION ON THE AVAILABILITY OF ELECTRONIC MAIL
8 ACCESS TO FILE A COMPLAINT CONCERNING NURSING HOME VIOLATIONS
9 DIRECTLY WITH THE DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES.

10 (E) ANY OTHER INFORMATION THAT THE DEPARTMENT OF CONSUMER
11 AND INDUSTRY SERVICES BELIEVES IS HELPFUL TO THE RESIDENT REPRESENTATIVE
12 IN RESPONDING TO COMPLAINTS, REQUESTS, AND INQUIRIES OF
13 A NURSING HOME RESIDENT OR HIS OR HER SURROGATE DECISION MAKER.