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BILL ANALYSIS

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House Bill 4062 (Substitute H-2 as passed by the House)
Sponsor: Representative Lisa Wojno
House Committee: Senior Health, Security and Retirement
Senate Committee: Health Policy

Date Completed: 4-20-04

CONTENT

The bill would amend the Public Health Code to require the Department of Community Health (DCH) to establish a toll-free telephone consumer complaint line for nursing homes.

Under the Code, if a person believes that the Code, a rule promulgated under it, or a Federal certification regulation applying to a nursing home has been violated, he or she may request an investigation of the nursing home. The request must be submitted to the DCH in writing, or the DCH must assist the person in reducing an oral request to a written complaint within seven days. The bill would delete the seven-day deadline and instead require the DCH to help a person reduce an oral complaint to writing as provided below.

The proposed complaint line would have to be accessible 24 hours per day and monitored at a level to ensure that each priority complaint was identified and a response to a priority complaint was initiated within 24 hours. The DCH would have to establish a system for the complaint line that included all of the following:

- An intake form that served as a written complaint.
- The forwarding of an intake form to an investigator by the next business day after the complaint was identified as a priority complaint.
- The forwarding of a copy of the completed intake form to the complainant within five business days after it was completed, except in the case of an anonymous complaint.

(The bill would define "priority complaint" as a complaint alleging an existing situation that involved physical, mental, or emotional abuse, mistreatment, or harmful neglect of a resident that required immediate corrective action to prevent serious injury, serious harm, serious impairment, or death of a resident while receiving care in a facility.)

MCL 333.21799a

Legislative Analyst: Julie Koval

FISCAL IMPACT

Requiring the Department of Community Health to staff a toll-free line 24 hours per day would cause a slight increase in Department costs. There also would be one-time costs associated with creating forms required under the bill.

Fiscal Analyst: Steve Angelotti

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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.