

Legislative Analysis



DIRECT DCH REPORTING REQUIREMENT FOR NURSING HOME EMPLOYEES

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House Bill 5191 as introduced
Sponsor: Rep. Jimmy Womack
Committee: Senior Health, Security, and Retirement

Complete to 10-20-09

A SUMMARY OF HOUSE BILL 5191 AS REPORTED FROM COMMITTEE ON 10-14-09

Under the Public Health Code, a nursing home employee is required to report immediately any physical, mental, or emotional abuse, mistreatment, or harmful neglect of a patient to the nursing home administrator or nursing director. House Bill 5191 would specifically require the employee to also report such patient mistreatment directly to the Department of Community Health.

Currently, the code says a nursing home administrator or nursing director who becomes aware of patient mistreatment, abuse, or neglect must report the matter by telephone to the Department of Public Health (now Community Health) and that department must notify the Department of Social Services (now Human Services). House Bill 5191 would strike the language requiring DCH to notify DHS.

FISCAL IMPACT:

There are no local or state fiscal implications for House Bill 5191, a bill requiring a nursing home employee to report the abuse, mistreatment, or neglect of a patient to the Department of Community Health (DCH), as the Public Health Code already requires a nursing home administrator or director to report these matters to the DCH

POSITIONS:

Office of Services to the Aging supports the bill. (10-14-09)

Michigan State Long Term Care Ombudsman Program supports the bill (10-14-09)

AARP of Michigan supports the bill. (10-14-09)

Health Care Association of Michigan is neutral on the bill, but in written testimony expressed concern that the bill's language could cause confusion, duplicative reporting, and make unsuspecting nursing home employees subject to criminal penalties. (10-14-09)

Michigan County Medical Care Facilities Council opposes the bill due to concerns. (10-14-09)

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